

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name Tatum Willie E  
 (Last) (First) (Initial)

Prisoner Number C-55580

Institutional Address P.O.Box 689 California Training Facility C.T.  
Soledad State Prison, East Dorm 90/Low

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Willie Earn Tatum Jr.  
 (Enter the full name of plaintiff in this action.)

VS.

Ben Curry, Warden

Soledad State Prison

(Enter the full name of respondent(s) or jailor in this action)

CV

08

0814

Case No. \_\_\_\_\_  
 (To be provided by the clerk of court)

**PETITION FOR A WRIT  
 OF HABEAS CORPUS**

E-filing

TEH  
 (PR)

**Read Comments Carefully Before Filling In**

**When and Where to File**

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

008-814764

530 new

FILED  
 FEB - 5 2008  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainers), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

## 1. What sentence are you challenging in this petition?

- (a) Name and location of court that imposed sentence (for example; Alameda County Superior Court, Oakland):

<u>Superior Court Dept. "E" East</u>	<u>Pomona, Ca. Los Angeles</u>
Court	County Location

- (b) Case number, if known A-528706

- (c) Date and terms of sentence 10-27-82, Life with possible parole

- (d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes x No

Where?

Name of Institution: California Training Facility C.T.F.

Address: P.O.Box 689 C.T.F., Soledad State Prison

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

Kidnap for purpose of Robbery, two (2) counts concurrently

3. Did you have any of the following?

Arraignment: Yes x No       

Preliminary Hearing: Yes   x   No       

Motion to Suppress: Yes \_\_\_\_\_ No \_\_\_\_\_

4. How did you plead?

Guilty x      Not Guilty \_\_\_\_\_      Nolo Contendere \_\_\_\_\_

Any other plea (specify) \_\_\_\_\_

5. If you went to trial, what kind of trial did you have?

Jury \_\_\_\_\_ Judge alone  x  Judge alone on a transcript \_\_\_\_\_

6. Did you testify at your trial? Yes \_\_\_\_\_ No x

7. Did you have an attorney at the following proceedings:

(a) Arraignment Yes x No       

(b) Preliminary hearing Yes x No       

(c) Time of plea Yes x No       

(d) Trial Yes \_\_\_\_\_ No \_\_\_\_\_

(e) Sentencing Yes x No     

(f) Appeal Yes \_\_\_\_\_ No \_\_\_\_\_

(g) Other post-conviction proceeding Yes \_\_\_\_\_ No \_\_\_\_\_

8. Did you appeal your conviction? Yes \_\_\_\_\_ No x

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes \_\_\_\_\_ No \_\_\_\_\_

Year: \_\_\_\_\_ Result: \_\_\_\_\_

Supreme Court of California Yes \_\_\_\_\_ No \_\_\_\_\_

Year: \_\_\_\_\_ Result: \_\_\_\_\_

Any other court Yes \_\_\_\_\_ No \_\_\_\_\_

Year: \_\_\_\_\_ Result: \_\_\_\_\_

(b) If you appealed, were the grounds the same as those that you are raising in this

petition? Yes \_\_\_\_\_ No \_\_\_\_\_

(c) Was there an opinion? Yes \_\_\_\_\_ No \_\_\_\_\_

(d) Did you seek permission to file a late appeal under Rule 31(a)?  
Yes \_\_\_\_\_ No \_\_\_\_\_

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes \_\_\_\_\_ No x

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: Superior Court, Los Angeles County

Type of Proceeding: Writ of Habeas Corpus

Grounds raised (Be brief but specific):

a. Denial of parole, risk, danger to society if release

b. from prison. Has a prior criminal history. Has not

c. participated in self-help programing. Removed from

d. hearing. Refuse to discuss offense.

Result: writ denied Date of Result: 4-10-07

II. Name of Court: Second Appellate District, California

Type of Proceeding: Writ of Habeas corpus

Grounds raised (Be brief but specific):

1 a. Denial of parole, risk, danger to society if release  
2 b. from prison. Has prior criminal history. Has not  
3 c. participated in self-help programing. Removed from  
4 d. hearing. Refuse to discuss offense.

5 Result: writ denied Date of Result: 9-26- 07

6 III. Name of Court: California Supreme Court

7 Type of Proceeding: Petition for Review

8 Grounds raised (Be brief but specific):

9 a. Denial of parole, risk, danger to society if release  
10 b. from prison. Has prior criminal history. Has not  
11 c. participated in self-help programing. Removed from  
12 d. hearing. Refuse to discuss offense.

13 Result: petition denied Date of Result: 12-12- 07

14 IV. Name of Court: \_\_\_\_\_

15 Type of Proceeding: \_\_\_\_\_

16 Grounds raised (Be brief but specific):

17 a. \_\_\_\_\_  
18 b. \_\_\_\_\_  
19 c. \_\_\_\_\_  
20 d. \_\_\_\_\_

21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes \_\_\_\_\_ No x

24 Name and location of court: \_\_\_\_\_

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?  
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you



1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: See Exhibit (A) at Pg.57, Lns.12-27

6  
7 Supporting Facts: No evidence in the record showing or proving that  
8 petitioner is a current threat and danger to society.

9 Due Process

10  
11 Claim Two: See Exhibit (A) at Pg.57, Lns.25-26; Pg.58, Lns.1-3

12  
13 Supporting Facts: Its my right to refuse to discuss the offense an  
14 in doing so it shall not be held against me, for it was held  
15 against me in denying parole.

16 Due Process

17 Claim Three: See Exhibit (A) at Pg.58, Lns.22-26

18  
19 Supporting Facts: Criminal history minimal, no prior convictions

20 Due Process

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22  
23 If any of these grounds was not previously presented to any other court, state briefly which  
24 grounds were not presented and why:

**Attach page(6)**

Claim Four: See Exhibit (A) at Pg.59,Lns.20-26

Supporting Facts: The record do not support the conclusion that petitioner has not participated in self-help programing.

**Due Process**

Claim Five:See Exhibit (A) starting at Pg.40,Lns.20-27;On thru to Pgs.44,Lns.1-16

Supporting Facts: The record do not support that petitioner was not cooperating during the hearing and became combative an argumentative and needed to be remove from petitioner's parole hearing.

**Due Process**

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 Hayward v. Marshall (2008) DJDAR 93; Dannenberg (2007) 156  
5 Cal. App. 4th (1387); Yellen v. Diane Butler (E.D. Cal. CIV  
6 S-01-2398 (2003); Scott, supra, 133 Cal. App. 4th (2005); Biggs  
7 v. Terhune, 334 F.3d 910 (9th Cir. 2003)

8 Do you have an attorney for this petition? Yes \_\_\_\_\_ No X

9 If you do, give the name and address of your attorney:  
10 \_\_\_\_\_

11 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
12 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

13 Executed on

January 29, 2008

14 Date

Willie Earn Statum Jr.

15 Signature of Petitioner

16  
17  
18  
19  
20 (Rev. 6/02)



1 This case arises out of repeated denials of parole to  
2 Willie E. Tatum Jr.(hereinafter,Petitioner),for continual  
3 denial of parole by the Board of parole  
4 hearings(hereinafter,the Board). On September 15th,2005  
5 petitioner appeared before the board for petitioner's  
6 (12th) parole consideration hearing an at the conclusion  
7 of the hearing the board determined that petitioner was  
8 unsuitable for parole,and parole was denied for  
9 (2),years. On June 29th,2006 petitioner filed a writ of  
10 habeas corpus to the Superior court of California,County  
11 of Los Angeles an on April 10th,2007 the petition was  
12 denied. On July 17th,2007 petitioner filed a writ of  
13 habeas corpus to the court of Appeal of the State of  
14 Califronia,Second Appellate District an on September  
15 26th,2007 the court denied the writ. In October 2007  
16 petitioner filed a petition for review in the Supreme  
17 court of California, an on December 12th,2007 the court  
18 denied the petition for review.

19 The board's reasons for finding petitioner unsuitable for  
20 parole were:

21 (1) Petitioner poses an unreasonable risk of danger to  
22 society a threat to public safety if release from prison,  
23 The offense was carried out in a very callous  
24 manner,there were multiple victims and they were abused  
25 during the crime.

26 (2) Petitioner have a prior criminal history an a  
27 unstable social history.

28 (3) Petitioner has not sucessfully participated in  
beneficial self-help programing.

1 (4) Petitioner was removed from his parole  
2 hearing, reasons stated by the board, petitioner became  
3 argumentative, not cooperating, and combative.

4 (5) Petitioner was denied parole because he refused to  
5 discuss the offense at the parole hearing.

6 These reasons for denial of parole are an unreasonable  
7 determination of the facts, petitioner does not have a  
8 substantial criminal past involving convictions of  
9 violating the law. In (1982) at the age of 24, years of  
10 age petitioner's marriage of (2), years was suffering  
11 because petitioner was unemployed at the time of  
12 committing this crime prior to being unemployed  
13 petitioner worked as a welder and fork-lift driver. A  
14 failing marriage unemployment along with alcohol and drug  
15 use contributed to petitioner's bleak state of mind of  
16 some 25, years ago which created significant stress in  
17 petitioner's life causing petitioner to make unwise life  
18 decisions and choices in which lead to the commitment  
19 offense. Throughout petitioner's incarceration I have  
20 participated in programs to help bring about self  
21 improvement development to better myself, such programs  
22 as: Anger Management classes, Life Skills, "AA" and  
23 "NA", and have received favorable and supported  
24 Psychological evaluations from staff Psychologist over  
25 the years. Furthermore, petitioner has established an  
26 excellent work record with exceptional and above average  
27 ratings. The unreasonable determination of the facts that  
28 was before the board, for the board to continue to deny  
parole to petitioner is contrary to the United States

1 Supreme court law because petitioner's record,taken as a  
2 whole does not provide "some evidence" to support a  
3 finding that petitioner currently poses an unresonable  
4 risk of danger to public safety if released from prison.

5 (See In Re Dannenberg(2007) 156 Cal.App.4th 1387)

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1 As the court in Greenholtz, said that,"To insure that a  
2 state-created Parole scheme serve the public interest purpose of  
3 rehabilitation and deterrence,the Parole Board must be cognizant not  
4 only of the factors required by state statute to be considered,but  
5 also the concept embodied in the constitution requiring due process  
6 of law. See also, Biggs v. Terhune,334 f.3d 910,at 916 (9th  
7 Cir.2003).

8 These factors underscore why the court in In re Scott(2),133 Cal.  
9 App.4th 573, at pg.595,took pains to reiterate that "The commitment  
10 offense can negate suitability[for parole],only if circumstances of  
11 the crime... rationally indicate that the offender will present an  
12 unreasonable public safety risk if release from prison. "Thus,as this  
13 court of Appeal recently concluded in the matter of In re Lee,2006  
14 DJDAR 13961 at pg.13963,the test is not whether "Some evidence"  
15 supports the reasons the Parole Board cites for denying parole,but  
16 whether "Some evidence" indicates a Parole release unreasonably  
17 endangers public safety. (Cal. Code Regs.,title,15.§2402  
18 subd.(a),[Parole denied if prisoner "will pose an unreasonable risk  
19 of danger to society if released from prison."] Therefore,"Some  
20 evidence" of the existence of a particular factor dose not  
21 necessarily equate to some evidence the parolee's release  
22 unreasonably endangers public safety.Id.

23 Thus,The court must view the Parole Board's reasons for denial of  
24 petitioner's Parole within the context of the other factors it must  
25 consider to see if some evidence shows he continues to pose an  
26 unreasonable risk to public safety.In re Scott,supra,133 Cal.App.4th  
27 at pg.594-595,applying that test petitioner's asserts the court will  
28 find no evidence that he is likely to commit another crime or that  
his release would unreasonably endanger the public.

1 Petitioner is not attempting to minimize the seriousness of his  
2 offense of 25 years ago, for which society has legitimately punish  
3 him, however, no reasonable possibility exists that petitioner will  
4 reoffend other than the instant case petitioner's criminal history is  
5 minimal to say the least, for there in NO prior convictions one arrest  
6 as a juvenile and three arrest as an adult, (See Exhibit (A)  
7 2005 Board Hearing transcripts (hereinafter "HT"), at pg. 10, Lns. 6-27;  
8 pg. 11, Lns. 1-27; pg. 12, Lns. 1-6)

9 Petitioner is now a middle age man of 50 years of age and who has  
10 accomplish much during his incarceration, for he has acquired an  
11 education and vocations, has taken numerous life skills classes  
12 providing him with the ability to cope with stress and anger, none of  
13 which he possessed at the age of 25 years of age when he committed  
14 the offense.

15 The primary reason the Parole Board cites for its denial of parole  
16 is, "The nature of petitioner's crime" unchanging factors  
17 therefore, the board's decision is not supported by some evidence.

18 Petitioner contends the Superior court erred, when it summarily denied  
19 the petition and failed to identify what evidence contained in the  
20 record supported the board's finding of unsuitability. Petitioner, is  
21 unclear as to whether the court found that "Some evidence" in the  
22 record supported the reasons the board cites for denying parole, or  
23 whether "some evidence" indicates his release unreasonably endangers  
24 public safety.; In re Scott, 2006 DJDAR 13961 at p. 13963; (See  
25 Exhibit (D), The decision from the Superior court denying the petition  
26 on April 10th, 2007)

27 As this court of Appeal found in Lee, "some evidence" of the existence  
28 of a particular factor does not necessarily equate to some evidence  
the parolee's release unreasonably endangers public safety. Id. at  
p. 13963.

Furthermore, this court concluded, "The test is not whether some evidence supports reasons the the [Board] cites for denying parole, but whether some evidence indicates a parole release unreasonably endangers public safety. (Cal. Code Regs., title 15, §2402 subd.(a), "Parole denied if prisoner will pose unreasonable risk of danger to society if release from prison."); See, e.g., In re Scott, (2005), 133 Cal. App.4th 573, 595 [The commitment offense can negate suitability for parole only if circumstances of the crime... rationally indicate that the offender will present an unreasonable safety risk if releases from prison.]"

Moreover, in accordance with the court of Appeal decision in In re Lee, the Superior court's denial of the petition failed to reveal the Board's reason's of unsuitability within the context of the other factors it must consider to see if some evidence shows petitioner continues to pose a current an unreasonable risk to public safety. (2006) DJDAR at pp.13963; See In re Scott, supra, 133 Cal.App.4th at pp.594-595. For the above stated reasons the petition should be return to the Superior court for review consistent with this court of Appeal's view's in In re Scott, (2006), DJDAR !#(!.

**"The Board of Parole Hearings Decision Denying Parole Did Not Comport with Due Process"**

On September 15th, 2005, Petitioner's twelfth(12th), Parole consideration hearing was held. The Board of Parole Hearings (Board), again denied parole for a period of two(2), years. In the Board's decision to deny Parole the Board concluded that, "Petitioner continued to pose an unreasonable risk of danger to society or a threat to public safety if released from prison", The Board relied primarly on the commitment offense the Board found that the offense "Was a very serious crime", "The offense was carried out in a very

callous manner", "There were mutiple victims"  
See exhibit (A) 2005 Board's decision transcripts "HT" at pg.57, Lns.12-26; pg.58, Lns.4-6



1 Parole suitability decisions for inmate serving indeterminate life  
2 terms are made, in the first instance by the Board. In re Scott, (2004),  
3 119 Cal. App.4th 871, 884-885. The Board has broad discretion and must  
4 normally set Parole release in a manner that provides uniform terms  
5 for offenses of similar gravity and magnitude with respect to public  
6 safety (ibid; Penal Code section, §3041, subd. (a)), and must set a Parole  
7 date unless it determines that the gravity of the current or past  
8 convicted offense or offenses are such that public safety requires a  
9 more lengthy period of incarceration. In re Scott, supra at  
10 pp. 885; Penal Code section §3041 subd. (b). That decision is guided in  
11 turn by regulations directing the Board's consideration to six  
12 (6), nonexclusive circumstances tending to show unsuitability,  
13 California Code of Regulations, title 15., section §2402, subd. (c), and  
14 nine (9), tending to show suitability id., section §2402, subd. (d), In  
15 re Scott, supra at pp. 897.

16 According to the applicable regulations circumstances tending to  
17 establish unsuitability for Parole are that the prisoner; (1), committed  
18 the offense in an especially heinous, atrocious, or cruel  
19 manner; (2), possesses a previous record of violence; (3), has an unstable  
20 social history; (4), previously has sexually assaulted another  
21 individual in a sadistic manner; (5), has a lengthy history of severe  
22 mental problems related to the offense; (6), has engaged in serious  
23 misconduct while in prison. (Cal. Code Regs., title 15., section  
24 §2402, subd. (c), In re Rosenkrantz, (200), 29 Cal.4th 616, 653-64 fn.  
25 omitted.

26 Circumstance (1), is supported where (a) multiple victims were  
27 attacked, injured, or killed in the same or separate incidents; (b), The  
28 offense was carried out in a dispassionate and calculated manner, such  
as an execution-style murder; (c), The victims was abused, defiled, or  
mutilated during or after the offense; (d), The offense was carried out

1 in a manner that demonstrates an exceptionally callous disregard for  
2 human suffering;and(e),The motive for the crime is inexplicable or  
3 very trivial in relation to the offense, Cal. Code Regs.,title  
4 15.section §2402,subd.(c),(1)",Rosenkrantz,at pp.653,fn.11.

5 Overmore, The court of appeal recently concluded in the matter of In  
6 re Lee, (2006), DJDAR 13961 at p.13963, the test is whether "some  
7 evidence" supports the reasons the board cites for denying parole, but  
8 whether "some evidence" indicates a parolee's release unreasonably  
9 endangers public safety.

10 Cal. Code Regs. title 15. section §2402 subd.(a) [parole denied if  
11 prisoner "will pose an unreasonable risk of danger to society if  
12 released from prison"] therefor, "some evidence" of the existence of a  
13 particular factor in the commission of a crime such as "Multiple  
14 victims", dose not necessarily equate to some evidence the parolee's  
15 release unreasonably endangers public safety.Id.

16 The Superior court in its denial of the petition agreed with the  
17 board in its denial of parole that the offense involved "Multiple  
18 victims", Cal Code Regs., title 15., section §2402 subd.(c)-(a) "Multiple  
19 victims" were attacked, injured, or killed in the same or separate  
20 incidents.

21 There were multiple victims involved in the commission of the crime  
22 however the board has in its discretion has recharacterized the offense  
23 making it to appear to be much more serious or violent than what  
24 actually took place in the commission of the crime. Petitioner is not  
25 attempting to minimize the seriousness of this offense of 25 years  
26 ago, for which society has legitimately punish him. Commissioner Fisher  
27 stated on record at petitioner's parole hearing held on 9/15/05, "That  
28 the panel accepts the finding of the court to be true" (See Exhibit (A)

"HT" at pg.4, Lns.10-14)

1 Furthermore,petitioner with the agreement of the District Attorney's  
2 office of Los Angeles county plead guilty to the offense from the  
3 plea agreement that was offered to an accepted by petitioner by way  
4 of the District Attorney's office for the conviction,for there wasn't  
5 a trial. The facts of the offense would be found in the  
6 (1982),Probation officer's report and the Superior  
7 court(1982),sentencing transcripts an in viewing both of the said  
8 mention transcripts in their entirety the court would see that the  
9 recharacterization of the offense viewed by Commissioner Fisher is  
10 different from the finding of the Superior court and the probation  
11 report.

12 Moreover,[Commissioner Fisher]:"Obviously,there were multiple  
13 victims and the victims were abused during the offense because they  
14 were robbed whether or not a hand was laid on them,that was abusive.  
15 (See Exhibit(A)"HT"at pg.58,Lns.6-15)

16 The (1982),Probation officer's report found that,"The victims were  
17 visibly shaken but physically unhurt",(See Exhibit(B),Probation  
18 report,at pg.7,Lns.18-19);(See also Exhibit(C),(1982),Superior court  
19 sentencing transcripts,at pg.2,Lns.22; pg.3,Lns.9-11),The court found  
20 that,"There was no or little harm inflicted upon them,"These women  
21 were not abused or injured in the commission of this crime as  
22 Commissioner Fisher views this offense.

23 Regulations provides that circumstances tending to establish  
24 suitability for parole are that the prisoner,(1) does not possess a  
25 record of violent crimes committed while a juvenile;(2) has a stable  
26 social history;(3) has shown signs of remorse;(4) committed the crime  
27 as a result of signifcant stress in his life,especially if the stress  
28 has built over a long period of time;(5) committed the criminal  
offense as a result of battered woman syndrome;(6) has made realistic  
plans for parole or has developed marketable skills that can be put  
to use upon release;(9) has engaged in institutional activities that  
indicates an enhanced ability to function within the law upon

1 Cal.Code Regs.,title 15.,section §2402subd.(d)."Rosenkrantz,supra,29  
2 Cal.4th at p.654.

3 Finally,the regulations explains that the foregoing circumstances are  
4 set forth as general guidelines; the importance attached to any  
5 circumstances or combination of circumstances in a particlar case is  
6 left to the judgment of the panel."Cal.Code Regs.title 15 section  
7 §2402,subd,(c)-(d),"Rosenkrantz,supra,29 Cal.4th at p.654.

8 Court review of the board's decision is governed by a deferential "some  
9 evidence" standard designed to ensure minimum procedural due process  
10 protection,"Rosenkrantz,supra,29 Cal.4th at p.658;In re Scott,supra,119  
11 Cal.App.4th at p..885-887",[T]he "some evidence" standard is extremely  
12 deferential and reasonably cannot be compared to the standard of review  
13 involved in ... considering whether substantial evidence supports the  
14 findings"(id. at p.665);Nevertheless,it requires "some indicia of  
15 reliability",In re Scott(2005),334 f.3d 910,915,and maybe understood  
16 as meaning that suitability determination must have some rational basis  
17 in fact,In re Scott,at p.590 fn.6 .

18 The key question is whether "some evidence" supports the board's  
19 decision. The board's decision discussed that petitioner as a juvenile  
20 was arrested one (1),time for at the age of 16,years of age in (1974)  
21 was involved in a fight and placed on six months probation and  
22 successfully completed probation,the result of the fight i had broke  
23 the guy's jaw whom i had a fight with,and six(6),years later as an  
24 adult was arrested three(3),times from (1980-81),two(2)arrest for  
25 domestic issues with my wife an in both incidents they wer prosecutor's  
26 rejects an one (1) arrest for having a switch blade knife (See Exhibit  
27 (A) "HT" at pg.10,Lns.5-27; pg.11,Lns.1-27; pg.12,Lns.1-8)

28 Most notably,the board commended petitioner for work that he has been  
donig remaining disciplinary free since (1989),18,yrs.(See Exhibit(A)

"HT"at pg.24,Lns,6-26; pg.61,Lns.11-14)

1 The commitment offense can negate suitability only if circumstances of  
2 the crime reliably established by evidence in the record rationally  
3 indicate that the offender will present an unreasonable public safety  
4 risk if released from prison. Yet, the predictive value of the  
5 commitment offense may be very questionable after a long period of  
6 time.[citation]. Thus, denial of release based solely on the basis of  
7 the gravity of the commitment offense warrants especially close  
8 scrutiny, "In re Scott, supra, 133 Cal.App.4th at pp.594-595, fns.omitted  
9 Chief among the board's reasons for denying parole was the belief of  
10 the panel that the offense was "carried out in a very callous  
11 manner", obviously, **there was** multiple victims, and the victims were  
12 abused during the offense because they were robbed and then they  
13 forced into a van with apparently four(4) men, [Mr.Tatum], petitioner  
14 being one of them, and Mr.Tatum according to the victims and  
15 corroborated by one of the codefendants, told them to take off their  
16 clothes because he was going to fuck them(See Exhibit(A)"HT"at  
17 pg.58,Lns.4-16)

18 In the Superior court decision to deny the petition the court found  
19 other than the board's findings that, "There is some evidence to  
20 support the finding that the offense was carried out in a manner that  
21 demonstrates an exceptionally callous disregard for human  
22 suffering," means the offense in question must have been committed in a  
23 more aggravated or violent manner than ordinarily shown in the  
24 commission of that offense.

25 To deny parole where no circumstances of the offense reasonably could  
26 be considered more aggravated or violent than the minimum necessary  
27 to sustain a conviction for that offense, violates due process of  
28 law. In re Scott, supra, 133 Cal.App.4th at p.598,

//



1 The essence of the board's decision and the Superior court finding  
2 that the offense, was callous which demonstrates an exceptionally  
3 disregard for human sufferin,thus making petitioner's release at this  
4 time an unreasonable risk of danger to society. Given the lapse of  
5 twenty-five (25),years of confinement and exemplary evidence of  
6 rehabilitation gains made by petitioner over that time,continued  
7 reliance on these aggravating factors of the crime do not amount to  
8 "some evidence" supporting denial of parole.

9 The commitment offense, The court have observed in an unsuitability  
10 factor that is immutable and whose perdictive value may be very  
11 questionable after a long period of time [citation].In re  
12 Scott,supra,133 Cal.App.4th at pp.594-595,fn.omitted. The Scott,opinion  
13 also noted,as has our Supreme court,strong legal and scientific support  
14 that."predictions" of future dangerousness are exceedingly  
15 unreliable",even where the passage of time is not a factor and the  
16 assessment is made by an expert. Id at p.595 fn.9

17 Reliance on a immutable factor,without regard to or consideration of  
18 subsequent circumstances,my be unfair to run contrary to the  
19 rehabilitation goals espoused by the prison system,and result in a due  
20 process violation Id.at p.595.

21 A parole hearing [also],does not ordinarily provide a prisoner a  
22 very good opportunity to show his offense was not committed in a  
23 especially heinous,atrocious or cruel manner,even if such evidence  
24 exist and the prisoner is willing to run the risk his effort to make  
25 such a showing will be seen as unwillingness to accept responsibility  
26 and therefore evidence of unsuitability, Id. at p..600-601,fn.

27 This may be made worse by the absence of a trail transcripts  
28 (Ibid),That is the case here.



1 The alarming fact of this case is twelve(12),times in denying  
2 petitioner's parole this board has relied solely on the gravity of  
3 the offense something that no rehabilitative progress can ever  
4 change.

5 An instructive case is,Yellen v. Diane Butler(E.D.Cal.2003,No# CIV  
6 S-01-2398, Where petitioner,Yellen is serving two(2),concurrent terms  
7 of life with the possibility of parole for the conviction of  
8 Kidnap/Robbrey ,and was found unsuitable for parole at his  
9 third(3rd),parole hearing before the board in (1999),and three more  
10 additional hearings following the (1999) hearing an at which he found  
11 unsuitable for parole.

12 The facts of the offense in many an all respects are far more worse  
13 than the instant case,Petitioner,Yellen along with two(2), crime  
14 partners in (1983),from November 5th til November 21st,went on a  
15 crime spree crimes including:conspiring to robb Neiman-Marcus,the  
16 overt acts in the conspiracy were stealing Mr.Silverman's  
17 Porsche,breaking in at Kelco Industries to lure (ADT) security  
18 personnel,Kidnapping and Robbing Mr.Nixon,stealing Mr.Castenada's  
19 Van,posing as interested buyers of and attempting to steal  
20 Mr.Terzibachian's Porsche,Kidnapping to robb Mr.Nixon and  
21 Mr.Castenada,robbing Mr.Castenada and Mr.Nixon,unlawfully taking  
22 both of their Vehicles,attempting grand theft auto of Mr.Terzibachian  
23 Car,assault with fire-arms on Micheal and Rebecca Terzibachian and  
24 Joseph Deuer,assaulting Neiman-Marcus employees,burglarizing  
25 Neiman-Marcus.

26 Petitioner,Yellen was convicted and sentenced to prison for  
27 concurrent life terms with the possibility of parole for  
28 Kidnap/Robbery,the board continued to rely on the facts of the crime  
to deny parole.

1 The board concluded that Yellen's crime was trivial in relation to the  
2 offense, and the involved multiple victims.

3 The Eastern District court(2003), in Yellen wrote, more important in  
4 assessing any due process violation is the fact that continuous  
5 reliance on unchanging circumstances transforms an offense for which  
6 California law provides eligibility for parole into a de facto Life  
7 imprisonment without the possibility of parole, the court ask  
8 rhetorically petitioner, Yellen's crime or motivation for the crime  
9 which are going to change, the answer is nothing. The circumstances of  
10 the crime will always be what they were, and petitioner's motive for  
11 committing them will always be trivial petitioner has no hope of ever  
12 obtaining parole except that a panel in the future will arbitrarily  
13 hold that the circumstances were not that serious or the motive was  
14 more than trivial.

15 Given that no one seriously contends lack of seriousness or lack of  
16 triviality at the present time the potential for parole in this case is  
17 remote to the point of non-existence, petitioner's liberty interest  
18 should not be determined by such an arbitrary remote possibility.

19 Further, the court found that there was not sufficient evidence to  
20 support the (1999) board's decision finding petitioner, Yellen  
21 unsuitable for parole.

22 Petitioner in the instant case is experiencing the same results as did  
23 petitioner, Yellen continuous denial of parole unlike  
24 petitioner, Yellen being denied parole for six (6) times, petitioner in  
25 the instant case have been denied parole by the board  
26 twelve(12), times, the board relying on immutable factors to deny parole  
27 violation of due process of law.

28 ///

1 The court in Irons,supra,358 f.Supp.2d at p.947 fn.3 ;express that,"To  
2 a point it is true,"the circumstances of the crime and the  
3 motivation for it may indicate a petitioner's  
4 instability,cruelty,impulsiveness,violent tendencies and the like.  
5 Howeve,after fifteen(15),or so years in the caldron of prison life,not  
6 exactly an ideal therapeutic environment to say the least,and after  
7 repeated demonstrations that despite the recognized hardship of  
8 prison,this petitioner does not posses those attribute,the predictive  
9 ability of the circumstances of the crime is near zero.

10 The rehabilitation success of petitioner is without a doubt a major  
11 factor in this case. The board's decision denying parole on the basis  
12 of the facts of the offense lacks "some evidence" that granting parole  
13 posed an unreasonable risk of danger to society,(Cal.Code Regs.,title  
14 15. section §2402,subd.(a).,The petition filed in this case should be  
15 granted and the board ordered to reverse its decision of the (2005)  
16 parole hearing from unsuitable to suitable,and grant petitioner a  
17 release date.

18 ///

19 **There was no evidence before the Board showing that Petitioner had a**  
20 **unstable social history another reason to deny parole.**

21 The board opined that petitioner,"Has an unstable social history  
22 related to the fact that between the ages of 13,to 15,years. of age  
23 petitioner was a gang member,smoked marijuana an also was involved in  
24 using other drugs and alcohol(See Exhibit(A)"HT"at pg.59,Lns.8-14)

25 Petitioner contend,that back in October(1982) when convicted of this  
26 offense an entering into the Department of Corrections in my initial  
27 interview,i was ask a number of questions such as:"Did i belong to a  
28 gand,"Did i drink alcohol,"Have i ever used drugs",and from my memory i  
answered yes to all of the questions.

1 The record reflect that there is no evidence showing that when  
2 petitioner had drunk alcohol from time to time and used drugs an  
3 associated with a gang,for my involvement with these elements wasn't  
4 to the degree that petitioner's daily life evolved around these  
5 negative activities for if it was a reality of some 30,years ago of  
6 extensive drug an alcohol use and gang activity,for that involvement  
7 to that degree would constitute an unstable social history an it  
8 would be well documented within the record of such involvement such  
9 as arrest and convictions relating to these issues,however the record  
10 is devoid of evidence showing that petitioner had an unstable social  
11 history,prior to the commitment offense,petitioner was married and  
12 worked as a welder and fork-lift driver,and provided for my family  
13 and lived a stable social life.

14 Moreover,petitioner submits that his past does not by itself  
15 reasonably establish current unsuitability because there is no  
16 additional evidence to complete a chain of reasoning between his past  
17 and in finding that because of it he currently poses an unreasonable  
18 risk of danger if released.

19 The fact that petitioner was forthright an admitted to drinking an  
20 using drugs along with gang association at the ages of 13-16,years of  
21 age some 30,plus years ago does not by itself represent some evidence  
22 that he is currently a risk and danger if release from prison.

23 Thus,as this court of Appeal recently concluded in the matter of In  
24 re Scott,2006,DJDAR 13961 at p.13963,"The test is not whether some  
25 evidence supports the reasons the board cites for denying parole,but  
26 whether some evidence indicates a parolee's release unreasonably  
27 endangers public safety. Cal.Code Regs.,title 15. section  
28 §2402,subd.(a),[Parole denied of prisoner will pose an unreasonable  
risk of danger to society if released from prison]

1 Therefore,"some evidence" of the existence of a particular factor  
2 does not necessarily equate to some evidence the parolee's release  
3 unreasonably endangers public safety.Id.

4 Thus,the court must view the parole board's reason for denial of  
5 petitioner's parole within the context of the other factors it must  
6 consider to see if some evidence shows he continue to pose a current  
7 unreasonable risk to public safety.In re Scott,supra,l33 Cal.App.4th  
8 at pp.594-595,Applying that test,peititoner asserts the court will  
9 find no evidence that he is likely to commit another crime or that his  
10 release would unreasonably endanger the public.

11 Furthermore, although at the board hearing the record will reveal  
12 petitioner's involvement and participating in self-help substance  
13 abuse programs continuously since (1989) within the institution.

14 (See Exhibit(A)"HT" at pg.26,Lns.4-27; pg.27,Lns.1-10)

15 In sum,the factor cited by the board that petitioner has an unstable  
16 social history because of the use of alcohol and drug along with  
17 association with a gang does not constitute some evidence that  
18 petitioner,he currently poses an unreasonably risk of danger.  
19 indeed,if peititoner's past involvement with the use of drugs an  
20 alcohol and gang association invariably establish his  
21 unsuitability,then the parole board could deny parole for the rest of  
22 peititoner's life based on this immutable factor. The board's  
23 decision in this regard appears to be arbitrary and capricious because  
24 as noted,the decision omits any consideration of,or even reference  
25 to,the undisputed evidence noted above.

26 ///

27 ///

28 ///



1 The Board's Decision Denying Parole Failed To Reflect Due  
2 Consideration Of The Circumstances Tending To Show His Suitability  
3 For Parole.

4 The board failed to consider evidence showing petitioner's is  
5 suitable for release from prison. The evidence shows the existence  
6 in this case of all the foregoing circumstances tending to show  
7 suitability for release from prison, except the "Battered woman  
8 syndrome, Cal. Code of Regs. section §2402, subd. (d), (1), (9).

9 The board commended petitioner for some of the circumstances tending  
10 to show suitability for parole; has completed high school, has  
11 vocations, and marketable skills, participated in self-help  
12 programing, has favorable psychiatric reports, and has realistic plans  
13 for parole an ample letters of support from family and friends  
14 supporting his release an at Fifty(50), years of age reduces the  
15 probability of recidivism (See Exhibit(A)"HT" at pg.59, Lns.21-24;  
16 pg.60, Lns.6-19)

17 The board's failure to undertake the individulized consideration of  
18 all relevant factors required by, Rosenkrantz, 29 Cal.4th at  
19 p.655, "also offends the board's own regulations, which require that  
20 [A]ll relevant, reliable, information available to the panel shall be  
21 considered in determining suitability for parole, Cal. Code of  
22 Regulations., title 15. section §2402, subd. (b); In re Ramirez, 94  
23 Cal.App.4th 549, at 571-72.

24 [F]ailure to acknowledge that Ramirez's conduct in prison was a  
25 circumstance that supported his application for parole, is yet another  
26 indication of an arbitrary and capricious determination.

27 The board's treatment of petitioner is if anything more unfair than  
28 that considered in Ramirez, because more evidence of circumstances  
tending to show suitability for release was ignored here than in that  
case.

//



1 Furthermore, the evidence of petitioner's participation and  
2 performance while incarcerated is particularly significant. As the  
3 Supreme court has recognized, the behavior of an inmate during  
4 confinement is critical in the sense that it reflects the degree to  
5 which the inmate is prepared to adjust to parole release  
6 Greenholtz, 442 U.S. at p.15, 99 S.Ct. 2100.

7 **Conclusion**

8 For all the reasons expressed herein, this court should grant the  
9 petition for habeas corpus.

10 ////

11 ////

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1 Petitioner Was Removed From His Parole Hearing And Deprived Of The  
2 Right To Ask Questions And To Speak Regarding An Unsupported  
3 Claim,For There Was No Evidence That Petitioner Was Not  
4 Cooperating,Being Combative,and Argumentative And Needed To Be Remove  
From His Parole Hearing.

5  
6 On September 15th,2005,Petitioner went before the Board for  
7 petitioner's twelfth(12th),parole consideration hearing. The hearing  
8 was conducted by Commissioner,Susan Fisher,Deputy Commissioner  
9 D.H.Mcbean,Deputy District Attorney for the county of Los Angeles  
10 Alexis Delagarza,Katera Rutledg Attorney for petitioner,and  
11 Petitioner Willie E. Tatum Jr. were all present.

12 **The Following Colloguy Is What Led To Petitioner's Removal From The**  
13 **Hearing.**

14 [District Attorney Delagraza]:"I think the last hearing or the  
15 hearing before last,they suggested that petitioner do programing with  
16 the respect to the fact that the victims of the crime were women and  
17 the concern was that he had sexual aggression issues didhe ever do  
18 any self-help or any kind of anything on that"]

19 [Petitioner]:"Excuse me,you said that you read that in some  
20 transcripts of last years hearing"]

21 [Commissioner Fisher]:"Wait until the board ask the questions"]

22 [Deputy Commissioner Mcbean]:"Hold on is it in the transcripts of the  
23 hearing or was it in the transcripts of the decision"]

24 [District Attorney Delagraza]:"In the report i read that where it  
25 indicated what the inmate was told to do,I'm trying to find where it  
26 was"]

27 [Petitioner]:"And back to the representative,The District  
28 Attorney,"She said that she read is somewhere i mean,what document is  
this"]

1 [Commissioner Fisher]: "Just clam down we're not going to just leave  
2 it on record unsolved"]

3 [Deputy Commissioner Mcbean]: "Well it is a good question though, even  
4 if it hasn't been posed in the past, and i know you're not interested  
5 in talking about the crime today"]

6 [Petitioner]: "Right"]

7 [Deputy Commissinoer Mcbean]: "I do notice that in terms of self-help,  
8 the only thing you've done is A.A., and there was the sexual component  
9 of the crime, have you tried to do anything at all in terms of  
10 self-help on any sexual issues"]

11 [Petitioner]: "No because, i what was the conviction?, what is the  
12 conviction?"

13 [Deputy Commissioner Mcbean]: "Concerning the facts on the crime"]

14 [Petitioner]: "Okay, but what about the conviction?"

15 [Deputy Commissioner Mcbean]: "I'm asking the question"]

16 [Petitioner]: "What was the conviction, I wasn't convicted of no sexual  
17 crime"]

18 [Commissioner Fisher]: "Mr. Tatum let me give you some advice you're  
19 doing the same thing right now that you have been doing in other  
20 hearings, that have been getting you into trouble, if we're trying to  
21 go"]

22 [Petitioner]: "Get to what-what are you trying to get to  
23 Ms. Commissioner"]

24 [Commissioner Fisher]: "All right get him out of here please"]

25 [Petitioner]: "Can i have my chrono's, give me my chrono's"]

26 [Commissioner Fisher]: "I'll give them to you later, I'll give it to  
27 your Attorney at the end of your hearing, just for the record, I'm  
28 having the officer remove Mr. Tatum from the room, he is not  
cooperating, hes being combative, and hes argumentative, an we don't  
need to have him here"]

1 (See Exhibit(A)"HT",Starting at pg.40,Lns.20-27; On through to  
2 pg.44,Lns.1-16)

3 California Penal Code section §3041.5,and California Code of  
4 Regulations section §2247,affords petitioner the right during a  
5 parole hearing to ask an answer questions and to speak on my own  
6 behalf,an as petitioner exercised thses rights to ask questions and  
7 to speak on my own behalf regarding the unsupported claim made by  
8 District Attorney Delagraza,petitioner was told to wait by  
9 Commissioner Fisher,"Until the board ask the questions,violating  
10 procedural right's of petitioner.(See Exhibit(A)"HT" at  
11 pg.41,Lns.4-9)

12 [Commissioner Fisher]:"Just clam down we're not going to just leave  
13 it on record unsolved";(See Exhibit(A)"HT" at pg.42,Lns.20-25)

14 The unsupported claim made by District Attorney Delagraza did in fact  
15 remained on record unsolved,for she did not and could produce the  
16 supporting documentation,[T]he "Report" as evidence at the hearing to  
17 support her unsupported stated claim regarding this sexual aggression  
18 issue that was fabricated by her.

19 Cal.Code of Regs. title,15. section §2030,(d),(2);hearing procedures;  
20 Role of the Prosecutor, in pertinent part:

21 "In making comments,supporting documentation in the file should be  
22 cited",for District Attorney Delagraza stated that she had read a  
23 prior board report stating that a prior board suggested that  
24 petitioner do some proگرامing relating to sexual aggression issues,for  
25 she mad the unsupported claim but did not and could not produce the  
26 documentation at the hearing to support her claim that went unsolved  
27 an as result petitioner was removed from his parole hearing  
28 after questioning the vilidity of the District Attorney's statement.

(See Exhibit(A)"HT" at pg.40,Lns.20-27;pg.41,Lns.1-17;pg.48,Lns.8-22)

1 Further,for no such "Reports" even exist for the board don't issue  
2 any reports for any recommendations or suggested programing that the  
3 board may recommend,it would be found in the decision section of a  
4 board transcripts after parole is denied,for an example of this  
5 procedure(See Exhibit(A)"HT"at Decision pg.61,Lns.2-5)

6 Moreover,at the outset of the parole hearing petitioner invoke the  
7 right not to discuss the offense(See Exhibit(A)"HT" at pg.4,Lns.2-15;  
8 pg.7,Lns.5-11);See also California Penal Code section §5011(b),and  
9 Cal.Code of Regulations section §2236)

10 The question stated into the record by District Attorney Delagrazia  
11 and supported by the board panel which led to petitioner being  
12 removed from his parole hearing,was a question involving  
13 circumstances surrounding the offense in which petitioner was not  
14 convicted of however these circumstances still remain as elements of  
15 the crime and petitioner chose not to discuss the offense,the  
16 conviction in (1982) was for Kidnap/Robbery, not Kidnap/Rape;(See  
17 Exhibit(A)"HT"at pg.40,Lns.20-27; pg.47,Lns.1-19)

18 Overmore,Commissioner Fisher was the hearing officer in charge of  
19 petitioner's parole hearing,Cal.Code of Regulation,title 15.section  
20 §2030(d),(1),hearing procedures in pertinent part:

21 The hearing officer shall ensure throughout the hearing that  
22 unnecessary,irrelevant or cumulative oral testimony and statements are  
23 excluded",and for the allowance by Commissioner Fisher of the  
24 unsupported stated claim and questions ask by District Attorney  
25 Delagrazia,and Deputy Commissioner Mcbean,for these questions and  
26 statements were unnecessary,irrelevant and was found to be unsupported  
27 by the record leading to petitioner being removed from his  
28 hearing,violation of due process of law.

1 Furthermore,for at the outset of the hearing Commissioner  
2 Fisher stated into the record;[Commissioner Fisher]:"I do  
3 want to remind that you're not required to admit to or  
4 discuss the offense,but the panel accepts the finding of  
5 the court to be true an also at the outset of the  
6 hearing,petitioner invoked the right not to discuss the  
7 offense(See Exhibit (A) "HT" at  
8 Pg.4,Lns.10-14;Pg.7,Lns.5-11)

9 Pursuant to California Penal Code section §5011 (b),and  
10 Cal.Code Regs. tit 15.section §2236 states in pertinent  
11 part:" A life prisoner is afforded the right not to admit  
12 to or discuss the offense an in doing so it shall not be  
13 held against the prisoner".

14 Violation of State mandated procedures constitute a  
15 Federal due process violation only if the violation  
16 causes a fundamentally unfair result.[Citation].(See  
17 Estelle v. Mcguire,502 U.S. 62,65,112 S.ct.475,112 (1991)  
18 The unfair result petitioner was denied parole for  
19 refusing to discuss the offense at my parole hearing.

20 (See EXhibit (A) "HT"at Pg.57,Lns.21-26;Pg.58,Lns.1-3)

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**Conclusion**

That, this court grant this petition, for all reasons  
expressed herein.

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Petitioner pro, se

*Willie Earl Tatum Jr.*  
*January 29, 2008*

**EXHIBIT A**

P R O C E E D I N G S

1  
2 **DEPUTY COMMISSIONER MCBEAN:** Okay. We're  
3 on record.

4 **PRESIDING COMMISSIONER FISHER:** Okay.  
5 Thank you. This is going to be a Subsequent  
6 Parole Consideration Hearing for Willie Tatum  
7 CDC Number C-55580. Today's date is 9/15/05 and  
8 we're located at the Correctional Training  
9 Facility. Inmate was received on 11/2/82 from  
10 Los Angeles County. The life term began on  
11 11/2/82 and the minimum eligible parole date is  
12 2/28/89. The controlling offense for which the  
13 inmate has been committed is kidnapping and  
14 robbery. Case number A-528706, Count One, Penal  
15 Code Section 209(b). Inmate received a term of  
16 life. Once again the minimum eligible parole  
17 date is 2/28/89. And Mr. Tatum, we're going to  
18 be tape recording, so for the purpose of voice  
19 identification, for the transcriber, we're each  
20 going say our first and last name and spell our  
21 last name. I'm going to start with myself, but  
22 when I get around to you, I need your CDC number  
23 as well. All right?

24 **INMATE TATUM:** All right.

25 **PRESIDING COMMISSIONER FISHER:** I'm going  
26 to start with myself and go to my left. Susan  
27 Fisher, F-I-S-H-E-R, Commissioner.

1           **DEPUTY COMMISSIONER MCBEAN:** My name is DH  
2 McBean, M-C-B-E-A-N, Deputy Commissioner.

3           **DEPUTY DISTRICT ATTORNEY DELAGARZA:** Alexis  
4 Delagarza, D-E-L-A-G-A-R-Z-A, Deputy District  
5 Attorney, Los Angeles County.

6           **ATTORNEY RUTLEDGE:** Tara E. Rutledge, R-U-  
7 T-L-E-D-G-E, Attorney for Mr. Tatum.

8           **INMATE TATUM:** Willie Tatum, T-A-T-U-M, C-  
9 55580.

10          **PRESIDING COMMISSIONER FISHER:** Thank you.  
11 Ms. Rutledge, did you have a chance to talk to  
12 Mr. Tatum about the Americans With Disabilities  
13 Act?

14          **ATTORNEY RUTLEDGE:** Yes.

15          **PRESIDING COMMISSIONER FISHER:** Okay. Any  
16 accommodations we need to make today?

17          **ATTORNEY RUTLEDGE:** None.

18          **PRESIDING COMMISSIONER FISHER:** Okay. I  
19 do want to note for the record that I have the  
20 BPT 1073 Form here, and it was signed by Mr.  
21 Tatum. It was dated by his counselor 11 --  
22 well, it just says 11/4. It doesn't have an  
23 actual date on it, but it was signed by Mr.  
24 Tatum.

25          **INMATE TATUM:** Who was the counselor?

26          **PRESIDING COMMISSIONER FISHER:** Rubio.

27          **INMATE TATUM:** Sometime last year.

1           **PRESIDING COMMISSIONER FISHER:**    Okay.  It  
2   does state that you didn't have any disabilities  
3   at that time, and that's still correct?

4           **INMATE TATUM:**    Yes.  Correct.

5           **PRESIDING COMMISSIONER FISHER:**    Now.  Are  
6   those reading glasses?

7           **INMATE TATUM:**    Yes.

8           **PRESIDING COMMISSIONER FISHER:**    Did you do  
9   an Olson Review?

10          **INMATE TATUM:**    Yes.

11          **PRESIDING COMMISSIONER FISHER:**    And did  
12   you have your glasses available?

13          **INMATE TATUM:**    Yes.

14          **PRESIDING COMMISSIONER FISHER:**    Okay.  
15   Great.  Thank you.  All right.  This hearing is  
16   being conducted pursuant to Penal Code Section  
17   3041 and 3042 and the Rules and Regulations of  
18   the Board of Prison Terms that govern parole  
19   consideration hearings for life inmates.  And as  
20   you know, Mr. Tatum, the purpose of the hearing  
21   today is to consider your commitment offense,  
22   your prior criminal and social history, and your  
23   behavior and programming since you've been in  
24   prison since this offense.  We've had the  
25   opportunity to review your file.  I'm going to  
26   give you the opportunity to make any corrections  
27   that you need to today.  All right?

1           **INMATE TATUM:**    Okay.

2           **PRESIDING COMMISSIONER FISHER:**    We're  
3 going to reach a decision today as to whether or  
4 not we find you suitable for parole.  If we do  
5 find you suitable, I'll explain to you today  
6 what the length of your confinement will be.  
7 Before we recess today to deliberate, I'm going  
8 to give you the opportunity, as well as the  
9 District Attorney the opportunity to make a  
10 final statement about your suitability.  I do  
11 want you to remind that you're not required to  
12 admit or discuss the offense, but that the Panel  
13 accepts the findings of the Court to be true.  
14 You understand that?

15          **INMATE TATUM:**    Yes.

16          **PRESIDING COMMISSIONER FISHER:**    Okay.  The  
17 California Code of Regulations states that  
18 regardless of time served, a life inmate shall  
19 be found unsuitable for and denied parole, if in  
20 the judgment of the Panel, he would pose an  
21 unreasonable risk of danger to society if  
22 released from prison.  (indiscernible).

23          **INMATE TATUM:**    Yes.  Yes.  Yes.

24          **PRESIDING COMMISSIONER FISHER:**    Okay.  I  
25 still have to make the record.

26          **INMATE TATUM:**    Yeah.

27          **PRESIDING COMMISSIONER FISHER:**    You have



1 rights related to your hearing that include the  
2 right to a timely notice of the hearing, the  
3 right to review your Central File, and the right  
4 to present relevant documents. Counsel, have  
5 your client's rights been met?

6 **ATTORNEY RUTLEDGE:** Yes.

7 **PRESIDING COMMISSIONER FISHER:** All right.  
8 You also have the right, Mr. Tatum, to an  
9 impartial Panel. Having seen your two Panel  
10 members today, do you have any objections to  
11 your Panel?

12 **INMATE TATUM:** No.

13 **PRESIDING COMMISSIONER FISHER:** Counsel,  
14 any objections to your Panel?

15 **ATTORNEY RUTLEDGE:** No.

16 **PRESIDING COMMISSIONER FISHER:** Okay. I'm  
17 going to give you a written copy of our decision  
18 today. It will be a tentative decision, and it  
19 will be affective within a 120 days, and then a  
20 copy of your decision and a copy of the  
21 transcript of your hearing will be sent to you.  
22 Are you familiar with the changes that took  
23 place last year regarding how you appeal Board  
24 decisions?

25 **INMATE TATUM:** The 1040 process?

26 **PRESIDING COMMISSIONER FISHER:** Right.

27 **INMATE TATUM:** That's no longer --

1       **PRESIDING COMMISSIONER FISHER:** Right.

2       **INMATE TATUM:** -- around.

3       **PRESIDING COMMISSIONER FISHER:** All appeals  
4 now go directly to the Court.

5       **INMATE TATUM:** Right.

6       **PRESIDING COMMISSIONER FISHER:** So should  
7 you need additional information about that, your  
8 correctional counselor would have it and it  
9 should also be in the prison library.

10       **INMATE TATUM:** Okay.

11       **PRESIDING COMMISSIONER FISHER:** Okay. I  
12 passed the exhibit sheet, Ms. Delagarza, do you  
13 have everything?

14       **DEPUTY DISTRICT ATTORNEY DELAGARZA:** I do.  
15 Thank you.

16       **PRESIDING COMMISSIONER FISHER:** Okay. Ms.  
17 Rutledge, do you have everything?

18       **ATTORNEY RUTLEDGE:** Yes.

19       **PRESIDING COMMISSIONER FISHER:** Is there  
20 anything that needs to be submitted?

21       **DEPUTY COMMISSIONER MCBEAN:** I think they  
22 gave a last -- I checked with Mr. Tatum. It  
23 looks like his last chrono, August 5th, 2000, we  
24 received today.

25       **PRESIDING COMMISSIONER FISHER:** Okay.  
26 Great.

27       **DEPUTY DISTRICT ATTORNEY DELAGARZA:** I have

1 that.

2 **PRESIDING COMMISSIONER FISHER:** All right.

3 Do you have any preliminary objections?

4 **ATTORNEY RUTLEDGE:** None.

5 **PRESIDING COMMISSIONER FISHER:** And is Mr.

6 Tatum going to be speaking with us today?

7 **ATTORNEY RUTLEDGE:** No.

8 **PRESIDING COMMISSIONER FISHER:** Okay. Is

9 he going to speak on any issues at all, or just  
10 not about the crime?

11 **INMATE TATUM:** Not about the crime.

12 **PRESIDING COMMISSIONER FISHER:** Okay. So  
13 when we're going through your social history or  
14 your programming or your disciplinaries, will  
15 you be talking to us about those?

16 **INMATE TATUM:** I may.

17 **PRESIDING COMMISSIONER FISHER:** Okay. All  
18 right. Just in case, I need to --

19 **INMATE TATUM:** Right.

20 **PRESIDING COMMISSIONER FISHER:** I need to  
21 swear you in. Okay.

22 **INMATE TATUM:** Okay.

23 **PRESIDING COMMISSIONER FISHER:** Other hand.

24 **INMATE TATUM:** All right.

25 **PRESIDING COMMISSIONER FISHER:** Do you  
26 solemnly swear or affirm that the testimony you  
27 give at this hearing will be the truth and

1 nothing but the truth?

2 **INMATE TATUM:** Yep.

3 **PRESIDING COMMISSIONER FISHER:** All right.

4 Counsel, I'm looking at the most recent summary,  
5 which is the November 2 Board Report. Will that  
6 work for you?

7 **ATTORNEY RUTLEDGE:** That's fine.

8 **PRESIDING COMMISSIONER FISHER:** All right.  
9 Let me see here. It says under summary of the  
10 crime:

11 On May 21, 1982, at about 2:00 A.M, female  
12 victim Becker and Simon-- that's Susan Becker  
13 and Peggy Simon were forced off the road by the  
14 van. Tatum and Jackson exited the van and  
15 approached the victim's car. The following  
16 individuals remained in the van: Garringer,  
17 Fernandez, and Williams. Tatum was armed with a  
18 loaded revolver and forced his way into the  
19 passenger side of the victim's vehicle. Jackson  
20 threatened the victims with a knife and also  
21 forced his way into the victim's vehicle. The  
22 victims screamed. Victim Becker's brother and  
23 her boyfriend heard the scream and went out to  
24 investigate. Tatum pointed the revolver  
25 directly at the man and told them to get back.  
26 The two men complied with Tatum's order. The  
27 victims were forced to drive away from their

1 location. Tatum ordered Becker to follow the  
2 van. They drove a short distance during which  
3 Tatum and Jackson robbed the victims of their  
4 jewelry. They then ordered the victims out of  
5 their car and into the waiting van. Inside the  
6 van, Tatum ordered the victims to remove their  
7 clothes. Fernandez attempted to unbutton Peggy  
8 Simon's pants. He stopped when he was told to  
9 wait until they got on the freeway. The police  
10 had been contacted by the victim's boyfriend,  
11 and the van was identified. The police spotted  
12 the van and a chase ensued. The chase lasted a  
13 short time. The chase culminated when the van  
14 crashed into a tree. The five defendants then  
15 attempted to escape by running out of the van.  
16 Tatum and Garringer were arrested immediately at  
17 the scene. Remaining defendants were arrested  
18 later near the scene of the crashed van.

19 And it notes the information was obtained  
20 from pages five through eleven of the Probation  
21 Officer's Report. Under prisoners version is --  
22 is this the one you want me to use, Counsel?  
23 The prisoner's version -- or would you prefer a  
24 different one? Let's see. What else is here?  
25 There's a -- the last psych report is 8/21/03.  
26 There's a review of life crime there.

27 **INMATE TATUM:** The findings from the

1 Probation Report and Court. We'll go with that.

2 **PRESIDING COMMISSIONER FISHER:** Okay. The  
3 (indiscernible) version. All right.

4 **INMATE TATUM:** Yeah. Go with that.

5 **PRESIDING COMMISSIONER FISHER:** All right.  
6 Let's see here. Okay. Let's start -- let's  
7 talk about your social history, and I am looking  
8 at the Probation Officer's Report for any prior  
9 arrests or convictions. It says -- under  
10 juvenile it says dependent (indiscernible) that  
11 as a juvenile he was only arrested on one  
12 occasion. It occurred at the age of 16 when he  
13 was arrested for assault with intent to commit  
14 great bodily injury. He explains that he became  
15 involved in a fight and broke the victim's jaw.  
16 He was placed on six months probation and his  
17 father had to pay the restitution amounting to  
18 \$3000. Is that correct?

19 **INMATE TATUM:** Yeah, that's correct.

20 **PRESIDING COMMISSIONER FISHER:** Okay.  
21 Under adult history there was an arrest in 1980  
22 for battery. It says no disposition is shown.  
23 This defendant believes this involved a fight  
24 with his wife when he hit her once. She  
25 screamed loudly and the police were called.  
26 They subsequently decided not to file and told  
27 defendant to not hit his wife.



1           **INMATE TATUM:** What year was that?

2           **PRESIDING COMMISSIONER FISHER:** It was  
3   September of 1980 -- 1980 disposition.

4           **INMATE TATUM:** That was prosecutor reject.

5           **PRESIDING COMMISSIONER FISHER:** It was  
6   prosecutor's reject?

7           **INMATE TATUM:** Yeah.

8           **DEPUTY DISTRICT ATTORNEY DELAGARZA:** I'm  
9   sorry. I didn't hear -- which one were you  
10   talking about?

11          **PRESIDING COMMISSIONER FISHER:** The  
12   September 1980. Is that right? And that does  
13   say prosecutor's reject on the CINI(phonetic) in  
14   May of '81. It says that you were arrested for  
15   receiving stolen property. Let's see here.  
16   This says that your dad gave you a knife and  
17   that you kept it on your person.

18          **INMATE TATUM:** Right.

19          **PRESIDING COMMISSIONER FISHER:** And it says  
20   you were stopped by the police and they found  
21   the knife. And that was -- was it a  
22   switchblade?

23          **INMATE TATUM:** It was a switchblade knife.

24          **PRESIDING COMMISSIONER FISHER:** All right.  
25   And there was another one with no disposition  
26   known in '81, looks like it was another night.  
27   Apparently they charged you with battery, but

1 they didn't file charges. Is that correct?

2 **INMATE TATUM:** That's correct.

3 **PRESIDING COMMISSIONER FISHER:** All right.

4 And then the last one -- the last one they show  
5 is the --

6 **INMATE TATUM:** Commitment offense.

7 **PRESIDING COMMISSIONER FISHER:** Yeah.

8 **INMATE TATUM:** That's it.

9 **PRESIDING COMMISSIONER FISHER:** Okay.

10 Good. All right. Were you raised by your mom  
11 and your stepfather?

12 **INMATE TATUM:** Yes, that's correct.

13 **PRESIDING COMMISSIONER FISHER:** And it  
14 doesn't tell me if you have brothers and  
15 sisters. Do you have any siblings?

16 **INMATE TATUM:** I have four brothers.

17 **PRESIDING COMMISSIONER FISHER:** Are they  
18 all older or all younger?

19 **INMATE TATUM:** Three is under me -- is  
20 younger than I, and one is older.

21 **PRESIDING COMMISSIONER FISHER:** And are you  
22 in contact with all of them?

23 **INMATE TATUM:** Yes.

24 **PRESIDING COMMISSIONER FISHER:** How are  
25 they doing?

26 **INMATE TATUM:** They're doing good.

27 **PRESIDING COMMISSIONER FISHER:** How about

1 your mom and her husband. Are they still alive?

2 **INMATE TATUM:** Still alive.

3 **PRESIDING COMMISSIONER FISHER:** Still in

4 LA?

5 **INMATE TATUM:** In La Quinta, yeah.

6 **PRESIDING COMMISSIONER FISHER:** Okay. And

7 are you in pretty constant contact with them?

8 **INMATE TATUM:** Yes.

9 **PRESIDING COMMISSIONER FISHER:** Good.

10 Okay. It says that you were married -- now, I'm

11 looking back at -- this is '03 when the last

12 psych evaluation was. It says that you were

13 still legally married at the time, but you were

14 also engaged. You just had never legally

15 divorced from your wife, correct?

16 **INMATE TATUM:** That's true, no.

17 **PRESIDING COMMISSIONER FISHER:** Has that

18 changed at all?

19 **INMATE TATUM:** No.

20 **PRESIDING COMMISSIONER FISHER:** Are you

21 still engaged?

22 **INMATE TATUM:** Yes, I am. And depending on

23 being paroled, you know, I take care of all

24 those matters.

25 **PRESIDING COMMISSIONER FISHER:** All the

26 logistics?

27 **INMATE TATUM:** Right.

1           **PRESIDING COMMISSIONER FISHER:**   Okay.   How  
2   did you meet your fiancée?

3           **INMATE TATUM:**   I met her through a family  
4   friend of mine.

5           **PRESIDING COMMISSIONER FISHER:**   Okay.   And  
6   you have a son?

7           **INMATE TATUM:**   Yes.

8           **PRESIDING COMMISSIONER FISHER:**   So he must  
9   be around 28 now, does that seem right?

10          **INMATE TATUM:**   About that.

11          **PRESIDING COMMISSIONER FISHER:**   And what's  
12   he do?

13          **INMATE TATUM:**   He's -- unfortunately he's  
14   incarcerated too.

15          **PRESIDING COMMISSIONER FISHER:**   That's too  
16   bad.

17          **INMATE TATUM:**   Yeah.

18          **PRESIDING COMMISSIONER FISHER:**   Is it a  
19   life term?

20          **INMATE TATUM:**   Yes, it is.

21          **PRESIDING COMMISSIONER FISHER:**   That's too  
22   bad.   Does he have kids?

23          **INMATE TATUM:**   No.

24          **PRESIDING COMMISSIONER FISHER:**   So you're  
25   not a grandfather yet?

26          **INMATE TATUM:**   No.

27          **PRESIDING COMMISSIONER FISHER:**   Let's see

1 here. It says that -- under substance abuse  
2 history, it says you never thought of yourself  
3 as an alcoholic, but that now you think looking  
4 back that you probably were. Is that correct?

5 **INMATE TATUM:** Is that what it says there?

6 **PRESIDING COMMISSIONER FISHER:** That's what  
7 it says. Is that not right?

8 **INMATE TATUM:** That is it, yeah.

9 **PRESIDING COMMISSIONER FISHER:** Because if  
10 it's not right, let's fix it.

11 **INMATE TATUM:** That's what it is.

12 **PRESIDING COMMISSIONER FISHER:** Okay. It  
13 says according to your records, you've used PCP  
14 about 40 times, and that you were drinking and  
15 using PCP on the date of the offense. Is that  
16 correct?

17 **INMATE TATUM:** Yes, that's correct.

18 **PRESIDING COMMISSIONER FISHER:** And that  
19 you started smoking pot from about the sage of  
20 14.

21 **INMATE TATUM:** Yes.

22 **PRESIDING COMMISSIONER FISHER:** Okay.  
23 Anything else? Any other kinds of drugs or  
24 anything?

25 **INMATE TATUM:** That's it right there.

26 **PRESIDING COMMISSIONER FISHER:** Okay. Wow,  
27 you got stabbed years ago?

1           **INMATE TATUM:** Yeah.

2           **PRESIDING COMMISSIONER FISHER:** It says  
3 that you never fully recovered from it. Is that  
4 true? You still have problems from it?

5           **INMATE TATUM:** I would say so, yeah. You  
6 know, getting older.

7           **PRESIDING COMMISSIONER FISHER:** Start --  
8 you start to feel things that you didn't feel  
9 before.

10          **INMATE TATUM:** Right, yeah.

11          **PRESIDING COMMISSIONER FISHER:** I can  
12 relate to that.

13          **INMATE TATUM:** Yeah.

14          **PRESIDING COMMISSIONER FISHER:** All right.  
15 And anything else about your social history that  
16 I haven't asked you about that you think would  
17 be important for us to know?

18          **INMATE TATUM:** As far as what did I do, as  
19 far as work?

20          **PRESIDING COMMISSIONER FISHER:** Just in  
21 general, just anything about you that you think  
22 that we should know about you.

23          **INMATE TATUM:** I love music. I worked when  
24 I could. That's about it. I like sports. That  
25 kind of stuff.

26          **PRESIDING COMMISSIONER FISHER:** Okay. I  
27 just want to make sure that I didn't miss or



1 gloss over anything that you thought was  
2 important, that we got it covered. All right.  
3 Let's talk about parole plans. I'm going to  
4 tell you what you it says in the file. And I  
5 have some letters in here too, so I'm going to  
6 through those. It says that you would live with  
7 your mom and your stepfather. Is that correct?

8 **INMATE TATUM:** Yes, that's correct.

9 **PRESIDING COMMISSIONER FISHER:** And it also  
10 says that you have skills as a welder, forklift  
11 driver, upholsterer, and small engine repair,  
12 and that you could work in any of those fields.

13 **INMATE TATUM:** That's correct.

14 **PRESIDING COMMISSIONER FISHER:** Okay. I'll  
15 tell you what I've got here. I have -- I have a  
16 letter from Dedra Morey (phonetic).

17 **INMATE TATUM:** That's my fiancée.

18 **PRESIDING COMMISSIONER FISHER:** She says --  
19 this letter assures my ongoing full support of  
20 Bill Tatum upon his release and during his  
21 incarceration. She says that she's in close  
22 contact with your family and she says they agree  
23 with me to provide financial, emotional support  
24 as needed. Bill is ready and willing to work  
25 and attend school to support himself. There are  
26 many areas Bill has shown an interest in besides  
27 the music field, which he studied while in

1 prison. Bill's inquired about computers. I  
2 talked to the Urban League, which will start him  
3 in a basic training and job skills program as  
4 soon as he's released. He's looking forward to  
5 working with his skills in the church. It says,  
6 I'm currently teaching in the public schools and  
7 also at church. I know Bill will be involved in  
8 positive constructive daily activities. She  
9 says that you would also take care of your  
10 parents. That your dad has cancer and your mom  
11 has asthma and congestive heart failure. Is  
12 that right?

13 **INMATE TATUM:** Yeah, but my father, he  
14 passed. He passed last year -- last year,  
15 September.

16 **PRESIDING COMMISSIONER FISHER:** I'm sorry.

17 **INMATE TATUM:** Yeah.

18 **PRESIDING COMMISSIONER FISHER:** This must  
19 of been right before that, because this was  
20 stamped September of '04.

21 **INMATE TATUM:** Right.

22 **PRESIDING COMMISSIONER FISHER:** And your  
23 stepfather is ill also, I guess. Asthma and  
24 high blood pressure and arthritis is what she  
25 says.

26 **INMATE TATUM:** Yeah. They getting up in  
27 age. They up in age.

1           **PRESIDING COMMISSIONER FISHER:** Let's see  
2 here. And she talks about what you've done, the  
3 certificates that you've gotten, and the fact  
4 that she believes that those will certainly help  
5 you find work. And this is another copy of her  
6 letter. And that's all I've gotten in way of  
7 support letters. Is there anything that I  
8 should have that I'm missing here?

9           **ATTORNEY RUTLEDGE:** No. I also notice that  
10 the C file letters didn't get our file.

11          **INMATE TATUM:** Right. Here's three more  
12 letters.

13          **PRESIDING COMMISSIONER FISHER:** Okay. If  
14 you'll give those to the Officer. Thank you.  
15 Do you play a musical instrument?

16          **INMATE TATUM:** Yes, ma'am.

17          **PRESIDING COMMISSIONER FISHER:** Multiple  
18 musical instruments?

19          **INMATE TATUM:** Yes.

20          **PRESIDING COMMISSIONER FISHER:** What do you  
21 play?

22          **INMATE TATUM:** The piano is my instrument  
23 of choice and then base guitar.

24          **PRESIDING COMMISSIONER FISHER:** Have you  
25 had any opportunity to practice while you've  
26 been here?

27          **INMATE TATUM:** Yeah.

1           **PRESIDING COMMISSIONER FISHER:** Have you?

2           **INMATE TATUM:** Yeah.

3           **PRESIDING COMMISSIONER FISHER:** Good.

4           **INMATE TATUM:** Yeah.

5           **PRESIDING COMMISSIONER FISHER:** All right.

6 This is another copy of her letters. Wow. She  
7 sent a bunch of copies.

8           **INMATE TATUM:** Yeah.

9           **PRESIDING COMMISSIONER FISHER:** Okay good.  
10 And this is the same letter.

11          **INMATE TATUM:** Right.

12          **PRESIDING COMMISSIONER FISHER:** So I'm not  
13 going to through that. We have a letter here --  
14 okay. You're going to have to help pronounce  
15 this name. Is that Morteal (phonetic).

16          **INMATE TATUM:** Morteal (phonetic).

17          **PRESIDING COMMISSIONER FISHER:** Morteal  
18 (phonetic) Cobbs, and this is your aunt, right?

19          **INMATE TATUM:** Yes. My mother's sister.

20          **PRESIDING COMMISSIONER FISHER:** Okay. She  
21 says, I'm very concerned about the time that he  
22 has spent in prison. She says that I feel that  
23 the Board should give him a date to be released.  
24 I'm hoping that the Board would consider to let  
25 him come back to society. He's always been a  
26 good nephew. He has good background, grew up in  
27 the church, and worked with different

1 auxiliaries. He has a family that loves him and  
2 always will. Okay. Let's see. There's an  
3 opening here somewhere, but I just not seeing  
4 it. Up here -- yes, it is. Looks like it's  
5 been resealed.

6 **INMATE TATUM:** Yeah. That's coming from  
7 the mailroom.

8 **PRESIDING COMMISSIONER FISHER:** Okay. I  
9 don't -- I don't want to mess up your letter  
10 here.

11 **ATTORNEY RUTLEDGE:** Is it open on the side?

12 **PRESIDING COMMISSIONER FISHER:** I don't  
13 think it is.

14 **INMATE TATUM:** Looks like it's taped from  
15 the bottom and the top.

16 **PRESIDING COMMISSIONER FISHER:** It's taped  
17 and I don't want the mess with this letter. All  
18 right. Being as careful as I can here. All  
19 right. And they taped it so well that it was  
20 taped inside the envelope. And this is from  
21 Debra Sweet-Kelly.

22 **INMATE TATUM:** My first cousin.

23 **PRESIDING COMMISSIONER FISHER:** Okay. She  
24 says several years, similar correspondence, was  
25 sent to you as a persuasive measure for Willie's  
26 release. Again, several years later, I find  
27 myself corresponding with you again. She says

1 the prolonged duration of his physical  
2 incarceration has caused him to serve and suffer  
3 protracted exclusion from the family he duly  
4 loves. She says -- she's mostly talking about  
5 your -- about the length of your incarceration.  
6 I believe Willie has more than paid his debt and  
7 is no longer a risk to humanity. He deserves a  
8 chance to proof himself in society -- I'm sorry,  
9 prove to himself in society that he's been  
10 rehabilitated and will be an upstanding citizen.  
11 Please use Willie's release to proof to society  
12 that the prison reform system does work. Our  
13 family loves him dearly and will gladly welcome  
14 him with open arms. As a closely knit family,  
15 we will all bond together to keep Willie well  
16 within the realm of positive productive. We are  
17 abundantly blessed to have several church  
18 ministers and officers who are willing to serve  
19 as personal counselors to him in many ways. All  
20 right. Is there anything else about your parole  
21 plans that I haven't asked you about that you  
22 think would be important for us to know?

23 **INMATE TATUM:** In 2003, I contacted a  
24 couple of truck driving schools. That's what I  
25 want to do --

26 **PRESIDING COMMISSIONER FISHER:** Okay.

27 **INMATE TATUM:** -- when I'm paroled, and one



1 and your attorney an opportunity to address some  
2 things. I see you last appeared before the  
3 Board of Prison Terms on 11/19/03. At that time  
4 you were given a one year denial.

5 **INMATE TATUM:** Yes.

6 **DEPUTY COMMISSIONER MCBEAN:** You were asked  
7 to remain disciplinary free and to participate  
8 in self-help and therapy as available. You have  
9 a current classification score of -- wait a  
10 minute. Yeah, 19. Custody level is medium AR.  
11 Are you still working for PIA?

12 **INMATE TATUM:** Yes, ma'am. Yes, I am.

13 **DEPUTY COMMISSIONER MCBEAN:** All right.  
14 And that's in work products? Is that furniture  
15 factory?

16 **INMATE TATUM:** Yes.

17 **DEPUTY COMMISSIONER MCBEAN:** Did you need a  
18 minute with your client?

19 **ATTORNEY RUTLEDGE:** No, we clarified it.

20 **DEPUTY COMMISSIONER MCBEAN:** Okay. And it  
21 looks like you have been in the furniture  
22 factory since about '02?

23 **INMATE TATUM:** Yes, that's correct.

24 **DEPUTY COMMISSIONER MCBEAN:** And you have  
25 above average or exceptional work reports.  
26 Doing well.

27 **INMATE TATUM:** Yes.

1           **DEPUTY COMMISSIONER MCBEAN:** Before that  
2 were you in PIA sewing?

3           **INMATE TATUM:** Yes, I was.

4           **DEPUTY COMMISSIONER MCBEAN:** Back in '98  
5 through 2000 to 2001 --

6           **INMATE TATUM:** Right.

7           **DEPUTY COMMISSIONER MCBEAN:** Something like  
8 that.

9           **INMATE TATUM:** Right.

10          **DEPUTY COMMISSIONER MCBEAN:** All right. So  
11 you've been in PIA for quite a while. Now you -  
12 - you dropped out of high school in the 11th  
13 grade; is that right?

14          **INMATE TATUM:** Yes.

15          **DEPUTY COMMISSIONER MCBEAN:** Okay. And  
16 then did you finish your high school or get your  
17 GED?

18          **INMATE TATUM:** I finished my high school  
19 while incarcerated at DVI Tracy in '91.

20          **DEPUTY COMMISSIONER MCBEAN:** '91. Okay.  
21 From a vocational standpoint, you have completed  
22 one vocational trade, and that's small engine  
23 repair in '97.

24          **INMATE TATUM:** Yes.

25          **DEPUTY COMMISSIONER MCBEAN:** That right?

26          **INMATE TATUM:** Yes.

27          **DEPUTY COMMISSIONER MCBEAN:** Okay. Any

1 others? Any other voc trades that you  
2 completed?

3 **INMATE TATUM:** That's it.

4 **DEPUTY COMMISSIONER MCBEAN:** Okay. The  
5 file indicates some use of marijuana, PCP,  
6 Benzedrine, amphetamine, cocaine, and alcohol.  
7 Is that correct?

8 **INMATE TATUM:** Prior to conviction, yes.

9 **DEPUTY COMMISSIONER MCBEAN:** Prior to the  
10 life crime?

11 **INMATE TATUM:** Right.

12 **DEPUTY COMMISSIONER MCBEAN:** There's a  
13 history of that drug use?

14 **INMATE TATUM:** Right.

15 **DEPUTY COMMISSIONER MCBEAN:** And from a  
16 self-help standpoint, I saw that you  
17 participated in AA in '96, and in '03, 4 and 5.  
18 Is that right?

19 **INMATE TATUM:** Well, from '87, from '87 to  
20 now, to 2005.

21 **DEPUTY COMMISSIONER MCBEAN:** Well, I  
22 couldn't find all those chronos. I'll look  
23 again. I saw one in '96.

24 **INMATE TATUM:** Right.

25 **DEPUTY COMMISSIONER MCBEAN:** And that was  
26 the first one I saw. And I saw some in '03, 4  
27 and 5. Did you get chronos along the way giving

1 you credit for your participation?

2 **INMATE TATUM:** Yes. How many files do you  
3 have there, two?

4 **DEPUTY COMMISSIONER MCBEAN:** Two, yeah.

5 **INMATE TATUM:** Where they are?

6 **DEPUTY COMMISSIONER MCBEAN:** I'll have the  
7 officer bring them. Thanks.

8 **DEPUTY COMMISSIONER MCBEAN:** Okay. In '96,  
9 '97, '95, '94, '92, '89, I wonder is there a  
10 third file?

11 **INMATE TATUM:** Could be.

12 **DEPUTY COMMISSIONER MCBEAN:** Okay. I'm  
13 going to see in a second. I'm going to go look  
14 to see if there is a third file that we don't  
15 have. All right. I'm glad to see that you  
16 maintained copies of those. So do you know the  
17 steps, Mr. Tatum?

18 **INMATE TATUM:** I know some of them.

19 **DEPUTY COMMISSIONER MCBEAN:** Do you find  
20 that you use them in your life?

21 **INMATE TATUM:** Yes.

22 **DEPUTY COMMISSIONER MCBEAN:** Can you tell  
23 me about one or two that you find that you use  
24 in your daily life?

25 **INMATE TATUM:** Step one.

26 **DEPUTY COMMISSIONER MCBEAN:** What is that?

27 **INMATE TATUM:** Admit to myself, as well as,

1 know that I was powerless over my addiction and  
2 my life had become unmanageable. Step four,  
3 make a list of all the -- essentially, a moral  
4 inventory of myself, which I do that regularly.  
5 And then there's step eight, make a list of all  
6 the people who I have harmed and be willing to  
7 make an amends to the them, if possible.

8 **DEPUTY COMMISSIONER MCBEAN:** Okay. Did you  
9 do those things?

10 **INMATE TATUM:** Yes. I do those things,  
11 yeah.

12 **DEPUTY COMMISSIONER MCBEAN:** Very good.  
13 Okay. Let's see. You also did a anger  
14 management video in a August of '05, and  
15 attended employability -- I think that's video a  
16 as well in December of '04. And in the past  
17 have participated in arts and corrections and I  
18 saw that you played in the band for variation  
19 functions?

20 **INMATE TATUM:** Right.

21 **DEPUTY COMMISSIONER MCBEAN:** In the  
22 institution?

23 **INMATE TATUM:** Right, the children's  
24 Christmas festival.

25 **DEPUTY COMMISSIONER MCBEAN:** Right. Okay.  
26 So you're part of the institution man?

27 **INMATE TATUM:** Yes.

1           **DEPUTY COMMISSIONER MCBEAN:** All right.  
2 Any other self-help that you've done, especially  
3 since your last appearance -- since '03?

4           **INMATE TATUM:** I've been reading my bible,  
5 you know, I use that. That's self-help for me.

6           **DEPUTY COMMISSIONER MCBEAN:** Okay.

7           **INMATE TATUM:** Yeah.

8           **DEPUTY COMMISSIONER MCBEAN:** Anything else?

9           **INMATE TATUM:** That's it.

10          **DEPUTY COMMISSIONER MCBEAN:** That's it?

11          **INMATE TATUM:** Yeah.

12          **DEPUTY COMMISSIONER MCBEAN:** Okay. Let's  
13 see. Let's look at your disciplinary history.  
14 You have six CDC 115s, last one being 10/20 of  
15 '89. That was for threatening staff. That's  
16 not a very good one. It states on October 20th,  
17 '89, at approximately 1200 hours, **INMATE TATUM**  
18 threatened me, he stated "Any motherfucker that  
19 crosses me is going to get taken out. I'm a  
20 gangster ass motherfucker, and I'll take care of  
21 the motherfucker my Goddamn self." Sorry, I  
22 have to use that language, but I need to read.  
23 He also pointed out that, "This room is full of  
24 inmates and the guards can't get in here before  
25 they get to you. These comments were made after  
26 I said there wasn't much options left except to  
27 write up inmates who continue to eat in the



1 classroom after several verbal warnings." So  
2 what would you like to tell us about that one?

3 **INMATE TATUM:** Do you have a copy of that  
4 115 in there?

5 **DEPUTY COMMISSIONER MCBEAN:** It is the  
6 Central File.

7 **INMATE TATUM:** Is that the copy of the 115?

8 **DEPUTY COMMISSIONER MCBEAN:** It's the  
9 original.

10 **INMATE TATUM:** Is it?

11 **DEPUTY COMMISSIONER MCBEAN:** Did you say  
12 those things?

13 **INMATE TATUM:** No. I didn't say those  
14 things. No, I didn't.

15 **DEPUTY COMMISSIONER MCBEAN:** Okay. What  
16 happened there?

17 **INMATE TATUM:** That was what 16 years ago.

18 **DEPUTY COMMISSIONER MCBEAN:** 1989.

19 **INMATE TATUM:** About that. I don't have no  
20 comment on that, but I will stipulate for the  
21 record that I didn't say those things that he  
22 claimed I said.

23 **DEPUTY COMMISSIONER MCBEAN:** Well, he was  
24 found guilty of this 115.

25 **INMATE TATUM:** That's true.

26 **DEPUTY COMMISSIONER MCBEAN:** I mean, you  
27 know, it is in the Central File and you don't

1 have to speak about it, it's your opportunity to  
2 provide any clarification if you want to -- hold  
3 on.

4 **INMATE TATUM:** All right.

5 **DEPUTY COMMISSIONER MCBEAN:** It's your  
6 opportunity to provide clarification if you want  
7 to, and if you don't want to, that's okay.

8 **INMATE TATUM:** Okay. And I choose not to.

9 **DEPUTY COMMISSIONER MCBEAN:** You don't want  
10 to comment on it?

11 **INMATE TATUM:** No.

12 **DEPUTY COMMISSIONER MCBEAN:** Okay. You  
13 have one on 4/24, '89 -- and I know these were a  
14 while ago, but I just -- are you going to  
15 comment on any of them?

16 **INMATE TATUM:** No.

17 **DEPUTY COMMISSIONER MCBEAN:** No?

18 **INMATE TATUM:** No.

19 **DEPUTY COMMISSIONER MCBEAN:** All right.

20 4/29, '89 is for disobeying orders. He's told  
21 to go to class and you became argumentative and  
22 wanted to go to smoke. 7/21/86 for possession  
23 of a TV that you shouldn't of had. 5/25/86 for  
24 destruction of state property. In this 115 --  
25 in the steamline, in the dining room, the 115  
26 indicates you broke the glass of the steamline  
27 because you did not want the potatoes that were

1 being served, and staff heard the glass  
2 breaking. And 5/24/85, disobeying orders, you  
3 were housed in cell D 212, refused to stop in  
4 the north quarter for clothed body search.  
5 Tatum stated, "Fuck you." I gave direct order  
6 for him to stop, and ordered him on the wall.  
7 Tatum stated, "You put me on the wall, punk."  
8 Back up was called, and he was searched. And  
9 then (indiscernible), another 115 for disobeying  
10 orders. In the culinary, you were told to leave  
11 the area. Instead of leaving, Tatum tried to  
12 walk around me. I blocked his path by stepping  
13 in front of him and again addressed him to  
14 leave. Tatum refused. At that time, I ordered  
15 Tatum to place his hands on the wall and submit  
16 to a clothed body search. He refused. I placed  
17 my hands on Tatum's arms, turning him towards  
18 the wall. Tatum made several attempts to turn  
19 from the wall and other staff had to come and  
20 assist. You also have four 128s. The last one  
21 being, 11/15/90 for disobeying orders.  
22 11/12/89, became loud and abusive in class.  
23 7/27/89 for absences. 12/5/88, unproductive  
24 behavior in class. And 8/11/83, following a  
25 stabbing assault in the weight lifting area of  
26 the main yard, you were found to be without any  
27 ID. Now, the file indicates that you are a

1 member of the Crips Gang. Los Angeles Crips per  
2 the CDC 812 and the Probation Officer's Report,  
3 and are you still affiliated with the Crips?

4 **INMATE TATUM:** No.

5 **DEPUTY COMMISSIONER MCBEAN:** Okay. How  
6 long have you disassociated yourself from the  
7 Crips?

8 **INMATE TATUM:** It's many, many years prior  
9 to me -- this life commitment.

10 **DEPUTY COMMISSIONER MCBEAN:** Okay. So you  
11 were not involved in the Crips at the time of  
12 the life crime?

13 **INMATE TATUM:** Right.

14 **DEPUTY COMMISSIONER MCBEAN:** Okay. And you  
15 don't have any 115s that would indicate that you  
16 are continuing to affiliate with them. So  
17 that's the good news.

18 **INMATE TATUM:** That's correct. And no  
19 arrests for affiliation or being a Crip member  
20 or whatever.

21 **DEPUTY COMMISSIONER MCBEAN:** You mean since  
22 your crime?

23 **INMATE TATUM:** Prior to and since I've been  
24 incarcerated, as well.

25 **DEPUTY COMMISSIONER MCBEAN:** Well, unless  
26 the life crime was involving his Crip activity,  
27 but we're not really certain about that. All

1 rules violations from '84 to '89. Since he has  
2 not been involved in any physical violence  
3 during his entire incarceration, it's felt he  
4 would pose a less-than-average risk for violence  
5 when compared to this Level Two inmate  
6 population. And I guess it's using that  
7 analysis then, that reaches the conclusion as  
8 well that violence potential is estimated to be  
9 no higher than average in the community. And  
10 that's my Dr. William Gamard. Okay. Is there  
11 anything else that you'd like to address that we  
12 have missed in terms of your institutional  
13 adjustment or accomplishments during your  
14 incarceration?

15 **INMATE TATUM:** That about sums it up right  
16 there.

17 **DEPUTY COMMISSIONER MCBEAN:** Okay.  
18 Anything you'd like to add, Counsel?

19 **ATTORNEY RUTLEDGE:** No.

20 **DEPUTY COMMISSIONER MCBEAN:** Okay. Return  
21 to the Chair.

22 **PRESIDING COMMISSIONER FISHER:** Okay.  
23 You've been disciplinary free for a long time?

24 **INMATE TATUM:** Yes.

25 **PRESIDING COMMISSIONER FISHER:** What do you  
26 attribute that to? How do you do that?

27 **INMATE TATUM:** Maturing, you know, growing

1 up. You have to be accountable and responsible  
2 for your actions. Here I was -- here I am in  
3 prison with a life sentence, and that kind of  
4 behavior and conduct is -- won't cut it. It's  
5 just growing up.

6 **PRESIDING COMMISSIONER FISHER:** It's just  
7 not a good idea?

8 **INMATE TATUM:** Yeah, exactly.

9 **PRESIDING COMMISSIONER FISHER:** So it  
10 sounds like back in the '80s, when you first  
11 came to prison, were you just angry at the  
12 world? Because that's what it sounds like when  
13 she reads what you were doing.

14 **INMATE TATUM:** It could of been. I believe  
15 so. It could of been.

16 **PRESIDING COMMISSIONER FISHER:** I was  
17 reading -- I was kind of flipping through some  
18 of your prior decisions back then and in 1997  
19 one of the Commissioners suggested to you that  
20 you needed to get a handle on your anger  
21 problems. What was going -- because that even -  
22 - that was several years after your last 115.

23 **INMATE TATUM:** He had asked a question --  
24 it was Gillis (phonetic), Commissioner Gillis.  
25 He had asked a question, and I was responding to  
26 the question, and I guess he took it as me  
27 being, you know, over-assertive, or aggressive



1 in the way I was expressing myself.

2 **PRESIDING COMMISSIONER FISHER:** Okay.

3 **INMATE TATUM:** And he just leaned back in  
4 his chair, and you need to get a handle on that  
5 anger. And that's my recollection of that.

6 **PRESIDING COMMISSIONER FISHER:** And what  
7 happened last year with Commissioner Moore  
8 because you had had him before --

9 **INMATE TATUM:** Right.

10 **PRESIDING COMMISSIONER FISHER:** -- on your  
11 Panel. And there was some discussion at the end  
12 of your hearing between you and him. What was  
13 going on with that?

14 **INMATE TATUM:** That's Commissioner Moore.  
15 Commissioner Moore being Commissioner Moore.  
16 That's all I can say to that.

17 **DEPUTY COMMISSIONER MCBEAN:** I didn't  
18 understand that.

19 **INMATE TATUM:** (indiscernible).

20 **DEPUTY COMMISSIONER MCBEAN:** The question  
21 was, what happened, and you want to talk about  
22 your responsibility or what you did, not just  
23 him because he's not here.

24 **INMATE TATUM:** (indiscernible).

25 **PRESIDING COMMISSIONER FISHER:** There was  
26 something that he said that you wanted -- let's  
27 see here. That you wanted to -- he said it in

1 his decision, I think, or as he was reading the  
2 decision that you wanted to respond to. Is that  
3 correct? As I recall, he was talking about the  
4 115 where the teacher -- the one that she read  
5 that involved all the language.

6 **INMATE TATUM:** Right. Right.

7 **PRESIDING COMMISSIONER FISHER:** And you  
8 said that you wanted to respond to it and he  
9 said no?

10 **INMATE TATUM:** Right. Right. That's what  
11 it was.

12 **PRESIDING COMMISSIONER FISHER:** But you  
13 kind of didn't take no as an answer?

14 **INMATE TATUM:** It's at the decision phase,  
15 you know, as my recollection -- it was brought  
16 up during the hearing, so in the decision phase,  
17 the crime being the primary reason and reason  
18 for the denying, you know, is the 115 for added  
19 weight, and I just ask him could I rebuttal, and  
20 this is during the decision phase. And  
21 Commissioner Moore, being arrogant and  
22 Commissioner Moore that he is, is no, you can't.  
23 There's no rebuttal. So that's what that was.

24 **PRESIDING COMMISSIONER FISHER:** Right.  
25 Okay. I just wanted to give you an opportunity  
26 to a address that because it's part of the  
27 record.

1           **INMATE TATUM:** That's what it was.

2           **PRESIDING COMMISSIONER FISHER:** I don't  
3 have any other questions. Do you have anything?  
4 Any questions?

5           **DEPUTY DISTRICT ATTORNEY DELAGARZA:** I have  
6 a question. The two arrests that the inmate had  
7 in '80 and '81. Those were both domestic  
8 violence batteries. Is that correct?

9           **INMATE TATUM:** Yes.

10          **PRESIDING COMMISSIONER FISHER:** Okay.  
11 Remember to answer to me.

12          **INMATE TATUM:** Yes.

13          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** I'm  
14 sorry.

15          **PRESIDING COMMISSIONER FISHER:** I was  
16 talking to him. Go ahead.

17          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** And  
18 somewhere in here, I read, and I don't see it  
19 ever mentioned again, that his father went to  
20 prison and that his son also went to prison. Is  
21 that correct?

22          **PRESIDING COMMISSIONER FISHER:** He  
23 mentioned today that his son is in prison. Did  
24 your dad go to prison?

25          **INMATE TATUM:** Yes.

26          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** And  
27 why did his father go to prison?

1           **INMATE TATUM:** I can't recall. I was a kid  
2 when he went.

3           **PRESIDING COMMISSIONER FISHER:** Okay.

4           **DEPUTY DISTRICT ATTORNEY DELAGARZA:** Did he  
5 say why his son went to prison?

6           **PRESIDING COMMISSIONER FISHER:** I don't  
7 think I asked it.

8           **INMATE TATUM:** No.

9           **PRESIDING COMMISSIONER FISHER:** Why is your  
10 son in prison?

11          **INMATE TATUM:** I believe robbery.

12          **PRESIDING COMMISSIONER FISHER:** Anything  
13 else?

14          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** Yes.  
15 Going back to one of the reports, or all the  
16 reports, at one point the Commissioners  
17 requested that he get a Cat T. Did the inmate  
18 ever do that?

19          **INMATE TATUM:** No, I didn't.

20          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** Also,  
21 in, I think, the last hearing or the hearing  
22 before last, they suggested that he do  
23 programming with respect to the fact that the  
24 victims in this case were women and the concern  
25 was that he had sexual aggression issues. Did  
26 he ever do any self-help or any kind of --  
27 anything on that?

1           **INMATE TATUM:** Excuse me (indiscernible).

2           **PRESIDING COMMISSIONER FISHER:** You need  
3 the respond to the Panel.

4           **INMATE TATUM:** Okay. Okay. You said --  
5 you -- that you read that in some transcripts of  
6 last year's hearing?

7           **PRESIDING COMMISSIONER FISHER:** Wait until  
8 the Board asks the question. You have to  
9 directly address. (indiscernible).

10          **INMATE TATUM:** Yes (indiscernible).

11          **DEPUTY COMMISSIONER MCBEAN:** Hold on. Is  
12 it in the transcript of the hearing or was it in  
13 the transcript of the decision?

14          **DEPUTY DISTRICT ATTORNEY DELAGARZA:**  
15 (indiscernible) in the report I read that --  
16 where it indicated what the inmate was told to  
17 do and I'm trying to find where it was.

18          **ATTORNEY RUTLEDGE:** Did the Board note the  
19 appeal that was granted after last year's  
20 decision regarding that he was -- the therapy  
21 issue?

22          **PRESIDING COMMISSIONER FISHER:** Did they  
23 instruct him to get therapy?

24          **ATTORNEY RUTLEDGE:** Yes. And it's even  
25 noted in reports. I mean, there's an appellant  
26 decision that's granted in part by the Board,  
27 where it says that he's already been like

1 cleared of having to participate in therapy or,  
2 so we would --

3 **PRESIDING COMMISSIONER FISHER:** I didn't --  
4 I don't see that here, but I do know that --

5 **ATTORNEY RUTLEDGE:** I have it right here,  
6 if you would like to review it?

7 **PRESIDING COMMISSIONER FISHER:** That's  
8 fine. I'll tell you this just so you know that  
9 I know that almost out of habit, some of the  
10 prior Commissioners would say therapy. We're  
11 all aware of the fact that you don't get therapy  
12 unless you're CCCMS or EOP.

13 **INMATE TATUM:** Okay.

14 **PRESIDING COMMISSIONER FISHER:** So then  
15 instructing you to therapy --

16 **DEPUTY COMMISSIONER MCBEAN:** I think  
17 therapy is available. I would like to see that  
18 when you're done with that.

19 **PRESIDING COMMISSIONER FISHER:** Yeah.

20 **INMATE TATUM:** And back to the  
21 representative -- she said that she read it  
22 somewhere. I mean, what document is this --

23 **PRESIDING COMMISSIONER FISHER:** Just calm  
24 down. We're -- we're not going to just leave it  
25 on the record unsolved.

26 **INMATE TATUM:** Okay.

27 **PRESIDING COMMISSIONER FISHER:** What --



1           **DEPUTY COMMISSIONER MCBEAN:** Well, it is a  
2 good question though, even if it hasn't been  
3 posed in the past. And I know you're not  
4 interested in talking about the crime today.

5           **INMATE TATUM:** Right.

6           **DEPUTY COMMISSIONER MCBEAN:** I do notice  
7 that in terms of your self-help, the main thing  
8 you've done is AA, and there was the sexual  
9 component of the crime. Have you tried to do  
10 anything at all in terms of self-help on any  
11 sexual issues?

12          **INMATE TATUM:** No because I -- what is the  
13 conviction? What is the conviction?

14          **DEPUTY COMMISSIONER MCBEAN:** Concerning the  
15 facts of the crime.

16          **INMATE TATUM:** Okay. But what about the  
17 conviction?

18          **DEPUTY COMMISSIONER MCBEAN:** I'm asking the  
19 question.

20          **INMATE TATUM:** (indiscernible) what was the  
21 conviction? I wasn't convicted of no sexual  
22 crime.

23          **PRESIDING COMMISSIONER FISHER:** Mr. Tatum.

24          **INMATE TATUM:** (indiscernible).

25          **PRESIDING COMMISSIONER FISHER:** Mr. Tatum  
26 (indiscernible) let me give you some advice.  
27 You're doing the same thing right now that

1 you've been doing in the other hearings that has  
2 been getting you into trouble. If we're trying  
3 to go --

4 **INMATE TATUM:** Get to what -- what are you  
5 trying to get to Ms. Commissioner?

6 **PRESIDING COMMISSIONER FISHER:** All right.  
7 Get him out of here, please.

8 **INMATE TATUM:** Can I have my chronos? Give  
9 me my chronos.

10 **PRESIDING COMMISSIONER FISHER:** I'll give  
11 them to you later. I'll give it to your  
12 attorney at the end of your hearing. Just for  
13 the record, I am having the officer remove Mr.  
14 Tatum from the room. He is not cooperating.  
15 He's being combative and he's argumentative, and  
16 we don't need to have him here.

17 **ATTORNEY RUTLEDGE:** Can I lodge an  
18 objection -- not to that. But I would just  
19 object to the Deputy Commissioner's previous  
20 questions regarding the facts of the crime  
21 because we don't --

22 **PRESIDING COMMISSIONER FISHER:** Let me flip  
23 so that we can have it on there.

24 Off the record.

25 **DEPUTY COMMISSIONER MCBEAN:** Okay. We're  
26 all right. We're on Side Two.

27 **PRESIDING COMMISSIONER FISHER:** Okay. Go

1 ahead.

2       **ATTORNEY RUTLEDGE:** Just to the -- on  
3 behalf of Mr. Tatum, I want to lodge an  
4 objection specifically -- not to the anger  
5 management issues, but specifically to the  
6 sexual issues. Being that Mr. Tatum does not  
7 have any prior convictions of any sex acts and  
8 that if the Board wants to point to a trial  
9 transcript where there was some kind of  
10 testimony, that would be different. But we  
11 would object on that there is no conviction or  
12 trial transcript indicating that information.

13       **DEPUTY DISTRICT ATTORNEY DELAGARZA:** There  
14 was a preliminary hearing on this case, and I  
15 will give you copies of that next hearing.

16       **PRESIDING COMMISSIONER FISHER:** Okay. That  
17 would be great. That would be good to have.  
18 Thank you. All right. And based on the fact  
19 that -- you know, I don't even know how to  
20 respond to that. I mean, we don't have trial  
21 testimony, but we do have the Probation  
22 Officer's Report that does have statements of  
23 the victims that say that they were told to  
24 remove their clothing.

25       **DEPUTY DISTRICT ATTORNEY DELAGARZA:** Also,  
26 there were statements from codefendants who  
27 indicated that -- that it was the inmate. I

1 believe it was Mr. Fernandez, that was one of  
2 their names. Mr. Fernandez indicated -- and  
3 that's in the Probation Officer's Report that it  
4 was the inmate who --

5 **ATTORNEY RUTLEDGE:** I would say --

6 **DEPUTY DISTRICT ATTORNEY DELAGARZA:** --

7 that's consistent with what the victim said.

8 **ATTORNEY RUTLEDGE:** I would say that it was  
9 a codefendant -- I wouldn't object to bringing  
10 up the statement of the victims, but as far as  
11 the codefendant, I would say there might be a  
12 reliability issue there.

13 **DEPUTY DISTRICT ATTORNEY DELAGARZA:** There  
14 isn't a reliability issue when it's being used  
15 to corroborate the victims, and if it was just  
16 solely the codefendant, I would say you had a  
17 valid argument, but when it's two victims who  
18 both indicate it's the inmate and then it's  
19 corroborated by a codefendant, I don't think is  
20 a reliability issue at all.

21 **PRESIDING COMMISSIONER FISHER:** All right.

22 And I agree with that. If it were just the  
23 codefendant, it would be a different issue. But  
24 it's the two victims, and so that it does do is  
25 corroborate the fact that he was indeed the one.  
26 And I think that under the circumstances with  
27 the victim's statements -- although I do want --

1 I'd love to have the trial transcripts. I think  
2 that would be very helpful for this particular  
3 inmate's hearing. I think that it's not  
4 inappropriate to ask him to at least probe those  
5 areas while he's incarcerated. I mean he's done  
6 other stuff too. There's no reason he can't do  
7 this also. He wasn't convicted obviously of  
8 kidnap for rape, but --

9 **DEPUTY DISTRICT ATTORNEY DELAGARZA:**

10 (indiscernible).

11 **PRESIDING COMMISSIONER FISHER:** Okay. And  
12 it does, in fact, go to the elements of the  
13 crime and what actually happened.

14 **ATTORNEY RUTLEDGE:** Right.

15 **PRESIDING COMMISSIONER FISHER:** So whether  
16 he was convicted of it or not, if the victims  
17 say he was doing it, then it doesn't hurt him to  
18 at least consider that this might be an issue  
19 that he should explore.

20 **ATTORNEY RUTLEDGE:** Okay.

21 **DEPUTY COMMISSIONER MCBEAN:** And I might  
22 address, even the institution had an arrest  
23 suffix on him, which is only as a result of  
24 concerns about sex crimes or activity, so from a  
25 custodial level --

26 **PRESIDING COMMISSIONER FISHER:** Okay. Did  
27 we cover everything? Can we go to close?

1           **DEPUTY COMMISSIONER MCBEAN:** I think so.

2           **PRESIDING COMMISSIONER FISHER:** You had  
3 finished, I think.

4           **DEPUTY DISTRICT ATTORNEY DELAGARZA:** Yeah.

5           **PRESIDING COMMISSIONER FISHER:** Okay. All  
6 right. Ms. Delagarza, why don't you go ahead  
7 and close.

8           **DEPUTY COMMISSIONER MCBEAN:** Will you --  
9 were you able to find that comment?

10          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** No.  
11 I'm going through right now. I saw it in one of  
12 those --

13          **DEPUTY COMMISSIONER MCBEAN:** Was it a Board  
14 Report where they're telling -- or they were  
15 saying what the Panel said or was it in a prior  
16 transcript?

17          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** It was  
18 not a transcript, it was a report, you know, so  
19 I know it was a prior hearing. And I'm trying  
20 to find -- it was just something where it said  
21 something about -- looking into the sexual  
22 component of the crime.

23          **PRESIDING COMMISSIONER FISHER:** Okay.

24          **DEPUTY DISTRICT ATTORNEY DELAGARZA:** The  
25 inmate makes the best argument of why he is not  
26 suitable for parole. Basically, this man still  
27 has a tremendous violence potential that is just



1 below the surface, as was indicated throughout  
2 this hearing. And going through past hearings,  
3 it appears to be a common thread throughout this  
4 inmate's incarceration. What's very troubling  
5 about this particular inmate is the, not only  
6 the violence that was exhibited, but the  
7 potential for additional violence, and that I'm  
8 talking about the fact that the two women would  
9 have been raped were it not for the fact that  
10 the police actually stopped them before they  
11 could initiate the crime. And this was not a  
12 robbery as the inmate would like this Panel to  
13 believe. If you go through the facts of this  
14 particular case, the victims had already been  
15 robbed. After they were robbed, they forced  
16 into a van, and at that point, they were told to  
17 disrobe. So it wasn't a situation where they  
18 needed to be taken some place for the purposes  
19 of robbery. They were taken some place, they  
20 were robbed, and they were forced into a van  
21 with, I believe, four other individuals and  
22 there was no reason for doing that other than  
23 what was actually stated and that was, they were  
24 told to disrobe and the inmate said he was going  
25 to fuck them. So with respect to that, we have  
26 the fact that these victims were particularly  
27 vulnerable. What's also interesting about this

1 inmate, is that he has two battery/assault  
2 arrests. Again, the victim in those particular  
3 cases was a woman, so we have that whole issue  
4 of his. He seems to be targeting women as  
5 victims. And going throughout his CDC 115s,  
6 even though their not that recent, again, what  
7 it shows is that this man has a serious violence  
8 potential. He has serious anger management  
9 issues, and until those are resolved and until  
10 the issues relating to the sexual component in  
11 this particular case are resolved favorably for  
12 the inmate, he will continue to pose a threat.  
13 He will not be able to do that until he admits  
14 that and does something with respect to having  
15 insight into that aspect of the crime. Thank  
16 you.

17 **PRESIDING COMMISSIONER FISHER:** Okay.  
18 Thank you. Before you start, Ms. Rutledge, let  
19 me put a couple of things on the record. First  
20 of all, regarding his appeal. I want to make  
21 sure that we respond to what he talked about.  
22 And the appeal, it does say that the Board  
23 apparently indicated that he -- let's see. They  
24 told him to -- someone made the comment that he  
25 needed more therapy before he could be found  
26 suitable for parole, apparently. And it says,  
27 prisoner contends that the Panel lacked

1 sufficient evidence that he needs therapy.  
2 Appeal granted. It says a review of the Mental  
3 Health Evaluation finds that there are no  
4 recommendations for therapy treatment in the  
5 prisoner's case. Therefore, the wording and  
6 therapy will be stricken from Page 508, Line  
7 Seven of the decision. And that's all it says  
8 related to that issue. Also, I have found, and  
9 I am continuing to look, that I have found at  
10 least one Commissioner that was, Commissioner  
11 Lawlend (phonetic), in 2001, who in the decision  
12 was talking to him about anger management. And  
13 says it looks like a problem with your anger  
14 management or issues with women and she is  
15 suggesting that he look into that issue and  
16 what's available out there for him. And that's  
17 in the middle of a conversation, but that's just  
18 the specific sentence that I found in her  
19 decision. I looked at that, and I'm continuing  
20 to look at anything else that might be related  
21 to that. So if you'd like to go ahead and  
22 close.

23 **ATTORNEY RUTLEDGE:** Thank you. I would  
24 just note on the issue of anger management, that  
25 there is a recent chrono date, August 5th, where  
26 he is currently involved in an anger management  
27 program. It says that with these strategies,

1 **INMATE TATUM** is now capable of understanding his  
2 anger, controlling his emotions. He is  
3 commended for his efforts to become a productive  
4 citizen, so it looks like he's -- and that was  
5 done by Superintendent Charlie D Walker. So it  
6 looks like he is addressing that issue. And I  
7 think -- I want to say that when (indiscernible)  
8 she said that he would want us to believe, but  
9 he hasn't talked about the facts of the crime.  
10 I don't think -- we don't really know whether or  
11 not he's -- he has said he has accepted the  
12 facts as the Board read them, so I don't think  
13 he is trying to mislead the Panel on facts of  
14 the crime. I'm just going through his  
15 suitability factors. He actually prepared a  
16 statement, which I'm glad he did now that he's  
17 not in the room. But I'll simply read from it  
18 on his behalf.

19 **PRESIDING COMMISSIONER FISHER:** Thank you.

20 **ATTORNEY RUTLEDGE:** He has not had any  
21 disciplinary write ups in 16 -- 15 or 16 years.  
22 He has done a number of things while he's been  
23 incarcerated that the Chair fully covered  
24 regarding his -- he finished up a voc trade of  
25 small engine repair. He's been working in the  
26 furniture factory since '02. He's got good  
27 chronos for that. Also, for sewing, he's been

1 active in the institution musically playing with  
2 the institutional band. So I think he is  
3 programming, and he did completely his GED in  
4 1991, and he has served 23 years. I would note,  
5 too, that he was cooperative with police at the  
6 time of his arrest, which is noted in his file.  
7 He has firm parole plans to reside with his  
8 parents as indicated in letters provided by his  
9 fiancée. They have looked into him getting  
10 additional training. He does want to go to  
11 truck driver school, but it notes in a Board  
12 Report that has skills under the assessment of  
13 the Board Report dated November 2004, it says  
14 Tatum should have successful parole because he  
15 has marketable skills and letters of support for  
16 residence and employment. So he does have  
17 something to go home to and firm realistic plans  
18 regarding employment. And he also prepared a  
19 response to the 3042 notice. He says that in  
20 1982, the DA offered him a plea deal, which all  
21 parties agreed to the terms of the plea  
22 agreement. It was him to plead guilty to two  
23 counts of kidnap, both to run concurrently, and  
24 the idea the sentence was life with parole. Now  
25 having served 23 years, the DA continues to  
26 oppose parole primarily on the circumstances  
27 surrounding the commitment offense. That will

1 never change. He indicates the plea agreement  
2 was life without parole not life without -- was  
3 life with parole, not life without. Having  
4 exceeded the statutory time prescribed by law  
5 for the commitment offense by six years, and it  
6 also -- with the records showing that he is  
7 remorseful and rehabilitated and having been  
8 duly punished for the crime. So I guess he's  
9 responding to the DA's 3042 notice.

10 **DEPUTY COMMISSIONER MCBEAN:** Let me respond  
11 to that on record. The Board is not bound by  
12 any plea agreements that were made by the  
13 District Attorney's office. The Board is  
14 charged under the law to determine suitability  
15 based on the inmate's factors of suitability  
16 versus his factors of unsuitability. And what  
17 he agreed to with the District Attorney's office  
18 as far as what his sentence would be, was  
19 between the inmate and the District Attorney.  
20 If he is going to be found suitable for parole  
21 and released from prison, he has to meet the  
22 requirement of suitability and satisfy the Board  
23 and then the governor that he's indeed  
24 rehabilitated and suitable for parole. Go  
25 ahead.

26 **ATTORNEY RUTLEDGE:** Okay. What he's been  
27 doing -- some other details about his post-



1 conviction programming. He's been a member of  
2 AA for 18 years, or at least he provided chronos  
3 to the Board going as far as back as '89. That  
4 we have a record of, I believe.

5 **DEPUTY COMMISSIONER MCBEAN:** NA/AA is --  
6 actually it looks like it started in '90 and  
7 looks like he started doing some videos in '89,  
8 so, yeah.

9 **ATTORNEY RUTLEDGE:** Okay. And it looks  
10 like in '88 he made a video on the effects of  
11 drugs and alcohol abuse while at DVI where they  
12 were reaching out to community children. In  
13 '98, he indicates that he completed a parenting  
14 class. And '99, I think he covered that he  
15 volunteered for the music group. He's been  
16 working for four years in the furniture factory.  
17 He's also -- he indicates in '97, completed two  
18 sessions of life skills therapy with staff  
19 psychologist Dr. Bateman and Dr. Terini. He  
20 says he completed a three-hour video session,  
21 anger management. And just reiterating the  
22 psych evaluation, the recent one, assessment of  
23 dangerousness if released in the community, his  
24 violence potential would be no higher than the  
25 average citizen in the community. And Mr.  
26 Tatum, in closing, would like to say that he is  
27 a first term. The record reflects his sincere

1 remorse for the victims of the crime. He does  
2 today accept the facts of the crime as read by  
3 the Board. He has in previous reports expressed  
4 and taken full responsibility and accountability  
5 for his actions in the commission of this crime.  
6 And that's documented in several places. He has  
7 worked really hard to program. And he has -- he  
8 did talk to the Board how he's -- why he hadn't  
9 had any write ups in the last 16 years. He says  
10 it's a matter of him maturing and understanding  
11 what's acceptable behavior and what's not. And  
12 he says he has shown -- she's wanting the Board  
13 to recognize that he has tried very hard while  
14 he's been in confinement to really turn things  
15 around, and that he's really willing to work  
16 hard at living a law-abiding life, and he  
17 requests a grant of parole today. Thank you.

18 **PRESIDING COMMISSIONER FISHER:** Thank you.

19 We will go to recess.

20 **R E C E S S**

21 **--oOo--**

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27

1                   **CALIFORNIA BOARD OF PAROLE HEARINGS.**

2                   **D E C I S I O N**

3           **DEPUTY COMMISSIONER MCBEAN:**   Back on  
4   record.

5           **PRESIDING COMMISSIONER FISHER:**   Thank you.  
6   I want to note for the record that everyone who  
7   was previously in the room and identified  
8   themselves have returned to the room, with the  
9   exception of Mr. Tatum. And as was noted on the  
10   record earlier, I asked the officers to remove  
11   Mr. Tatum after he became quite combative and  
12   argumentative during his hearing. The Panel has  
13   reviewed all of the information received from  
14   the public and relied on the following  
15   circumstances in concluding that Mr. Tatum is  
16   not yet suitable for parole and would pose an  
17   unreasonable risk of danger to society or a  
18   threat to public safety if released from prison.  
19   This is going to be a two-year denial.  
20   Certainly the commitment offense was one of the  
21   things we considered. This commitment offense  
22   was a very serious crime. It was a very long  
23   time ago and has been said many times before at  
24   many different hearings, the offense will never  
25   change. However, in light of other areas that  
26   I'm going to be covering, other issues that  
27   **WILLIE TATUM C-55580 DECISION PAGE 1 9/15/05**

1 we're U to be discussing, the commitment offense  
2 is certainly still very viable reason as part of  
3 this denial. This was a kidnap for robbery of  
4 Susan Becker and Peggy Simon. This was an  
5 offense that was carried out in a very callous  
6 manner. Obviously, there were multiple victims,  
7 and the victims were abused during this offense  
8 because they were robbed, and then they were  
9 forced into a van with apparently four men, Mr.  
10 Tatum being one of them. And Mr. Tatum,  
11 according to the victims and corroborated by one  
12 of his crime partners, told them to take off  
13 their clothes because he was going to fuck them.  
14 Whether or not a hand was laid on them, that was  
15 abusive. Those women were terrified. There's  
16 no doubt about it. This was a horrible crime.  
17 It was a crime where these young women had  
18 absolutely no ability to protect themselves.  
19 They were outnumbered, and they were quite  
20 clearly going to be sexually abused had not the  
21 police already been called and proceeded on  
22 their behalf before they were raped. The  
23 prisoner does have a prior criminal history, and  
24 he does have unstable social history. He has --  
25 he has a history of law enforcement contact  
26 related to domestic violence issues in

1 particular. And in the context with law  
2 enforcement that were listed under his prior  
3 criminal history, there was no disposition or  
4 else they were dismissed, but he's indicated to  
5 us today that there were fights with the wife,  
6 and he indicated to the probation officer in  
7 discussing this arrest that he had hit her.  
8 Also, notably she stabbed him. He also has an  
9 unstable social history related to the fact that  
10 he was between the ages of 13 and 15, by his own  
11 account a member of the Crips. He started  
12 smoking marijuana at the age of 14. He was  
13 involved in using other drugs and also in the  
14 use of alcohol. He said that at the time of the  
15 crime, or at the time being incarcerated, he  
16 didn't believe he was an alcoholic, but looking  
17 back, he believe now that he was. He dropped  
18 out of school in the 11th grade. He also  
19 fathered a child with a woman he was not married  
20 to. He's been programming while he's been  
21 incarcerated. He completed his GED in 1991. He  
22 has vocations. He does seem to have a  
23 marketable skill, and he has participated in  
24 some self-help over the years. He's been  
25 involved in substance abuse programming since  
26 about 1989. However, he certainly has not  
27 **WILLIE TATUM C-55580 DECISION PAGE 3 9/15/05**

1 successfully participated in beneficial self-  
2 help as was indicated by his behavior in the  
3 hearing today. He's had six 115 disciplinary  
4 reports during his incarceration. The last one  
5 was in 1989. He's had four 128(a) counseling  
6 chronos. The last one, 1990. The psychological  
7 evaluation is dated -- let's see here. It's  
8 dated 8/12/03. It's authored Dr. Gamard, and it  
9 says it's felt that he would pose a less-than-  
10 average risk for violence when compared to the  
11 Level Two inmate population, and if released to  
12 the community, would be estimated to be no  
13 higher than the average citizen in the  
14 community. After today's hearing, I want to  
15 note for the record that I respectfully disagree  
16 with Dr. Gamard's evaluation. He does have  
17 parole plans. He would live with his mother and  
18 her husband, his stepfather. He does have a  
19 fiancée who also indicated her support.  
20 Although, once again, I want to note for the  
21 record he's not divorced from his wife yet, and  
22 stated today that he would take of those matters  
23 when he's released on parole. The Hearing Panel  
24 notes that in response to 3042 notices, the  
25 District Attorney of Los Angeles County had a  
26 representative at the hearing today who spoke in  
27 **WILLIE TATUM C-55580 DECISION PAGE 4 9/15/05**



1 opposition to a finding of suitability at this  
2 time. The Panel finds that the prisoner needs  
3 to continue to participate in self-help in order  
4 to understand and cope with stress in a  
5 nondestructive manner, specifically also, in  
6 order to continue to address his anger issue  
7 and his inability to control his temper, as  
8 once again was evidenced today at this hearing.  
9 In lieu of his history and his continued  
10 negative behavior, there's no indication that he  
11 would behave differently if paroled. We want to  
12 commend him for the work that he's been doing.  
13 He's been disciplinary free since 1989, and  
14 that's a long time, and he has been programming.  
15 However, currently the positive aspects of  
16 behavior do not outweigh the factors of  
17 unsuitability. In a separate decision, the  
18 Hearing Panel finds that it's not reasonable to  
19 expect that parole would be granted at the  
20 hearing during the following two years.  
21 Specific reasons for this finding are as  
22 follows: Once again, first of all, the  
23 commitment offense. This was the kidnapping of  
24 two women by several men. There Tatum was  
25 aggressive in this crime. He was identified by  
26 both women as well as one of his crime partners  
27 **WILLIE TATUM C-55580 DECISION PAGE 5 9/15/05**



1 as being the one who told them to take their  
2 clothes off, that they were going to get fucked.  
3 And that kind of behavior toward women is  
4 concerning in light of the combative history  
5 that he had with his wife. Certainly, the fact  
6 that the Commissioners today were women did not  
7 escape our notice either. In fact, all of the  
8 people at the table with Mr. Tatum today were  
9 women, and he was extremely combative and  
10 extremely angry. Almost from the moment that he  
11 walked in the door. He from the time that he  
12 walked in and we started to talk to him, he had  
13 visible attitude about him that made it clear  
14 that he wasn't pleased about the hearing, that  
15 he wasn't particularly interested in what  
16 anybody in the room had to say. And that he  
17 wasn't real interested in being cooperative. He  
18 did settle down for a while and started  
19 answering questions, but he very quickly became  
20 angry and inappropriate when questions before  
21 asked about his insight into his own behavior.  
22 I want to note for the record that it's my  
23 feeling about this hearing that Mr. Tatum was  
24 given every opportunity to respond to questions  
25 in an appropriate manner, and then instead of is  
26 simply answering our questions and even possibly  
27 **WILLIE TATUM C-55580 DECISION PAGE 6 9/15/05**

1 opposition to a finding of suitability at this  
2 time. The Panel finds that the prisoner needs  
3 to continue to participate in self-help in order  
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27 **WILLIE TATUM C-55580 DECISION PAGE 5 9/15/05**

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26 simply answering our questions and even possibly  
27 **WILLIE TATUM C-55580 DECISION PAGE 6 9/15/05**

1 saying, you know, I've already talked about this  
2 or I'm troubled by the fact that this question  
3 keeps coming up and here is why, instead what he  
4 did was, he became very angry and very  
5 combative, and I think that it's important that  
6 Mr. Tatum really reflect on that because there  
7 seems a real history of that in dealing with the  
8 Commissioners on the Board of Prison Terms. And  
9 that completes the reading of the decision. Do  
10 you have any comments, Commissioner?

11 **DEPUTY COMMISSIONER MCBEAN:** No further  
12 comments.

13 **PRESIDING COMMISSIONER FISHER:** Thank you.  
14 That completes the hearing.

15 --oOo--  
16  
17  
18  
19  
20  
21  
22

23 **PAROLE DENIED TWO YEARS**

24 **THIS DECISION WILL BE FINAL ON:** \_\_\_\_\_

25 **YOU WILL BE PROMPTLY NOTIFIED, IF PRIOR TO THAT**  
26 **DATE, THE DECISION IS MODIFIED.**

27 **WILLIE TATUM C-55580 DECISION PAGE 7 9/15/05**

**EXHIBIT B**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES  
PROBATION OFFICERS REPORT

**BEST AVAILABLE COPY**

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

VS.

WILLIE EARN TATUM, JR.

Defendant

REPORT SEQUENCE NO. 1

DEPT. EAST "E"	ATTY. UHALLEY	JUDGE MILLER
HEARING 7-22-82	C.I.I. NO. A05076239	COURT CASE NO. A-528706
DPO G. JOHNSON	AREA OFFICE PV	PRIOR. NO. X-917299
ADDRESS (IF IN CUSTODY, EXPECTED ADDRESS WHEN RELEASED) 821 GREENBERRY DRIVE LA PUENTE, CALIF. (918-6217)		

TRUE NAME

SAME

CHARGED WITH THE CRIME(S) OF

209(B) PC (KIDNAPPING FOR PURPOSE OF ROBBERY), CTS. I, II;

211 PC (ROBBERY), CTS. III, IV

220 PC (ASSAULT WITH INTENT TO COMMIT RAPE), CT. V;

CONVICTED OF THE CRIME(S) OF

PRE TRIAL

BY (PLA. CT. JURY)

DAYS IN JAIL THIS CASE

62

☒ Pre-conviction invest. (131.3 C.C.P.)

☐ Drug Diversion invest. (1000.1 (3) P.C.)

COMPANION CASES

STEVEN GARRINGER, JOSEPH JACKSON,  
MIKE FERNANDEZ, DONALD WILLIAMS

DISPOSITIONS

PRE-TRIAL HEARING, DEPARTMENT EAST  
"E" 7-22-82, ALL DEFENDANTS

**PERSONAL HISTORY**

AGE 24	BIRTHDATE 1-11-58	RACE BLACK	FORMAL EDUCATION 11TH GRADE	AGE LEFT SCHOOL 17
MARITAL STATUS SEPARATED	HOME INCLUDES MOTHER, STEPFATHER, 2 BROTHERS			NO. OF DEPENDENTS 0
OCCUPATION NONE	INCOME PER MONTH NONE	WHERE EMPLOYED UNEMPLOYED		
HEALTH FAIR	CAME TO STATE BORN	CAME TO COUNTY BORN	BRANCH MILITARY SERVICE NONE	KIND OF DISCHARGE N/A

XXXX-XXXX

1 CHARGED WITH THE CRIMES OF: (CONTINUED)

2 245(A) PC (ASSAULT WITH A DEADLY WEAPON), CT. VIII.

3 ENHANCEMENTS: USE OF FIREARM PER 12022.5 PC AND 1203.06 PC, CTS. I-V;

4 PRINCIPAL ARMED WITH FIREARM PER 12022(B) PC, CTS. I-V;

5 USE OF FIREARM PER 12022.5 PC, CT. VIII ONLY.

6 (AS SUPPLIED BY DEFENDANT.)

7 DEFENDANT IS THE ONLY CHILD BORN TO WILLIE AND CORINNA



I certify that this image is a true copy per master certification on this fiche.

Name

Matthew Clark 12-3-82

I certify that this image is a true copy per master certification on this fiche.

Name

Lenn B. Hansen Date 12-3-82

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1 TATUM IN LOS ANGELES, CALIFORNIA, HOWEVER, RAISED PRIMARILY IN THE  
 2 LA PUENTE AREA. HIS PARENTS WERE NEVER MARRIED AND SEPARATED A  
 3 SHORT TIME FOLLOWING DEFENDANT'S BIRTH. DEFENDANT'S MOTHER MARRIED  
 4 DOUGLAS HOLLIS, A MECHANIC, IN 1960. THEY REMAIN LIVING TOGETHER  
 5 AT THE ABOVE ADDRESS ON GREENBERRY IN LA PUENTE. THE FAMILY HAS  
 6 RESIDED AT THIS PARTICULAR ADDRESS FOR THE PAST 10 YEARS.

7 THE DEFENDANT LAST ATTENDED LA PUENTE HIGH SCHOOL  
 8 TO THE 11TH GRADE, QUITTING SCHOOL ENTIRELY AT THE AGE OF 17.  
 9 DEFENDANT FELL BEHIND IN HIS CREDITS AND DECIDED SIMPLY TO QUIT  
 10 SCHOOL. HE HAS HAD NO FURTHER SUBSEQUENT FORMAL EDUCATION.

11 DURING HIGH SCHOOL DEFENDANT LIVED FOR APPROXIMATELY  
 12 NINE MONTHS WITH HIS WIFE, MALIEAU GRAY. AFTERWARD THEY KEPT  
 13 SEPARATE RESIDENCES. HOWEVER, BECAUSE OF PRESSURE FROM THEIR ONLY  
 14 CHILD, WHO IS PRESENTLY SEVEN YEARS OLD, THEY DECIDED TO BECOME  
 15 MARRIED ON MAY 31, 1980. LAST YEAR IN SEPTEMBER, 1981, DEFENDANT'S  
 16 WIFE STABBED THE DEFENDANT DURING AN ARGUMENT AND HE SUSTAINED  
 17 SERIOUS INJURIES. DEFENDANT HAS NO IDEA AS TO HER PRESENT WHEREABOUTS.

18 AS INDICATED ABOVE, DEFENDANT SUSTAINED SERIOUS  
 19 INJURIES AS THE RESULT OF BEING STABBED BY HIS WIFE AND WAS  
 20 HOSPITALIZED FOR A COUPLE OF WEEKS. HE STILL SUFFERS FROM COMPLICATIONS  
 21 SUSTAINED IN THE STABBING. HIS WIFE WAS ARRESTED FOR STABBING HIM,  
 22 BUT CHARGES WERE LATER DISMISSED WHEN IT WAS DETERMINED THAT DEFENDANT  
 23 HAD HIT HER THE DAY BEFORE IN AN ARGUMENT.

-2-



I certify that this image is a true copy per master certification on this fiche.

Name

Martha Olvera

12-3-82

I certify that this image is a true copy per master certification on this fiche.

Name

Dennis B. Hansen

Date

12-3-82

BEST AVAILABLE COPY

1 DEFENDANT IS NOT A MEMBER OF ANY PARTICULAR ORGANIZATION  
2 AND IN HIS SPARE TIME ENJOYS PLAYING MUSIC AND HORSEBACK RIDING;

3 DEFENDANT WAS EXTREMELY VAGUE IN DESCRIBING HIS  
4 PREVIOUS EMPLOYMENT HISTORY. HE HAS MOST PRIMARILY BEEN UNEMPLOYED  
5 FOR THE LAST YEAR, ONLY DOING TEMPORARY WORK. HE LAST WORKED FOR  
6 ANOTHER COMPANY IN APRIL, 1981. IN THE PAST HE HAS WORKED AS A  
7 WELDER AND FORKLIFT DRIVER, INDICATING THAT HIS LONGEST PERIOD OF  
8 EMPLOYMENT LASTED FOR A PERIOD OF NINE MONTHS.

9 FINANCIAL SITUATION:

10 DEFENDANT REPORTS NO DEBTS OR ASSETS.

11 GANG ACTIVITY:

12 BETWEEN THE AGES OF OF 13 AND 15, DEFENDANT  
13 KNOWLEDGES THAT HE WAS AN ACTIVE MEMBER OF THE CRYPTS GANG IN LOS  
14 ANGELES. HIS STREET NAME AT THE TIME WAS "STILL BILL".

15 SUBSTANCE USE:

16 AT THE AGE OF 14, THE DEFENDANT FIRST BEGAN SMOKING  
17 MARIJUANA AND CONTINUED TO USE IT UNTIL THE PRESENT OFFENSE. DEFENDANT  
18 BEGAN USING PHENCYCLIDINE (PCP) IN 1975 AND ESTIMATES THAT HE HAS  
19 USED IT OVER 40 TIMES. HE LAST USED PHENCYCLIDINE (PCP) ON THE DAY  
20 OF HIS ARREST FOR THE PRESENT OFFENSE. HE HAS ALSO TRIED COCAINE  
21 BUT DENIES EVER EXPERIMENTING WITH ANY OTHER FORM OF DRUGS AND  
22 INDICATES THAT HE NEVER USED THE METHOD OF INJECTION FOR DRUG  
23 USAGE. DEFENDANT WILL OCCASIONALLY DRINK ALCOHOL BUT DOES NOT

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Name Matthew Olivas Date 12-3-82

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Name Donna B. Hansen Date 12-3-82

1 CONSIDER THIS TO BE A PROBLEM.

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2 PRIOR RECORD:

3 SOURCES OF INFORMATION:

4 LASO, CII, DEFENDANT'S STATEMENT.

5 JUVENILE HISTORY:

6 DEFENDANT VOLUNTEERS THE INFORMATION THAT AS A  
7 JUVENILE HE WAS ONLY ARRESTED ON ONE OCCASION. THIS OCCURRED AT  
8 THE AGE OF 16 WHEN HE WAS ARRESTED BY THE SHERIFF'S DEPARTMENT  
9 FOR ASSAULT WITH INTENT TO COMMIT GREAT BODILY INJURY. HE EXPLAINS  
10 THAT HE BECAME INVOLVED IN A FIGHT AND BROKE THE VICTIM'S JAW. HE  
11 WAS PLACED ON SIX MONTHS PROBATION AND HIS FATHER HAD TO PAY  
12 RESTITUTION AMOUNTING TO \$3000.

13 ADULT HISTORY:

14 9-19-80 WEST COVINA PD - 242 PC (BATTERY) - NO DISPOSITION  
15 SHOWN.

16 (DEFENDANT BELIEVES THIS INVOLVED A FIGHT WITH HIS WIFE  
17 WHEN HE HIT HER ONCE. SHE SCREAMED LOUDLY AND THE POLICE  
WERE CALLED. THEY SUBSEQUENTLY DECIDED NOT TO FILE AND  
TOLD DEFENDANT NOT TO HIT HIS WIFE ANYMORE.)

18 5-1-81 LASO - 196.1 PC (RECEIVING STOLEN PROPERTY) -  
19 CITRUS MUNICIPAL COURT CASE #M-204128 - ON 5-6-81,  
20 PLEADED GUILTY 653(K) PC (POSSESSION OF SWITCHBLADE  
KNIFE).

21 (DEFENDANT EXPLAINS THAT HIS FATHER HAD GIVEN HIM A KNIFE  
22 AND THAT HE KEPT IT ON HIS PERSON, USUALLY JUST TO CLEAN HIS  
23 FINGER NAILS. HE WAS STOPPED BY THE POLICE FOR NO PARTICULAR  
REASON, AND THEY FOUND THE KNIFE. HE RECALLS DOING SIX DAYS  
IN COUNTY JAIL AND RECEIVING TIME SERVED.)



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*Matthew Oliva* Date *12-3-82*

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6-13-81 LASO - 242 PC (BATTERY) - NO DISPOSITION SHOWN.

(DEFENDANT BELIEVES THIS INVOLVED ANOTHER FIGHT WITH HIS WIFE. THE DISTRICT ATTORNEY WAS TIRED OF HER COMPLAINING AND DECIDED NOT TO FILE ANY CHARGES.)

5-21-82 LA VERNE PD - KIDNAPPING FOR PURPOSE OF ROBBERY, ROBBERY, GRAND THEFT AUTO, ASSAULT WITH INTENT TO COMMIT RAPE, ASSAULT WITH DEADLY WEAPON.

(THIS REFERS TO THE PRESENT OFFENSE.)

PRESENT OFFENSE:

DEFENDANT AND CODEFENDANTS STEVEN GARRINGER, JOSEPH JACKSON, MIKE FERNANDEZ, AND DONALD WILLIAMS WERE ARRESTED ON MAY 21, 1982; BY LA VERNE POLICE OFFICERS AND BOOKED ON CHARGES OF KIDNAPPING FOR PURPOSE OF ROBBERY, ROBBERY, ASSAULT WITH INTENT TO COMMIT RAPE, GRAND THEFT AUTO, ASSAULT WITH A DEADLY WEAPON. DEFENDANT SUBSEQUENTLY APPEARED IN POMONA SUPERIOR COURT WHEN IN INFORMATION #A-528706 HE WAS FORMALLY CHARGED WITH 209(B) PENAL CODE (KIDNAPPING FOR PURPOSE OF ROBBERY), COUNTS I, II; 211 PENAL CODE (ROBBERY), COUNTS III, IV; 220 PENAL CODE (ASSAULT WITH INTENT TO COMMIT RAPE), COUNT V; AND 245(A) PENAL CODE (ASSAULT WITH A DEADLY WEAPON), COUNT VIII. AS ENHANCEMENTS, IT WAS ALLEGED THAT DEFENDANT USED A FIREARM PURSUANT TO 12022.5 PENAL CODE AND 1203.06 IN COUNTS I THROUGH V, A PRINCIPAL WAS ARMED DURING THE COMMISSION OF THE OFFENSE PURSUANT TO 12022(B) PENAL CODE, COUNTS I THROUGH V; AND USE OF FIREARM PURSUANT TO 12022.5 PENAL CODE IN COUNT VIII ONLY. IN THE SAME INFORMATION, CODEFENDANTS GARRINGER, JACKSON,

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1 AND FERNANDEZ WERE CHARGED WITH COUNTS I THROUGH V. ENHANCEMENT  
 2 AGAINST JACKSON ALLEGED THAT HE USED A DEADLY WEAPON PURSUANT TO  
 3 12022(B) PENAL CODE. CODEFENDANT WILLIAMS WAS ADDITIONALLY CHARGED  
 4 WITH 487(3) PENAL CODE (GRAND THEFT AUTO), COUNT VI, AND 10851  
 5 VEHICLE CODE (AUTO THEFT), COUNT VII. ALL FIVE DEFENDANTS APPEARED  
 6 IN DEPARTMENT EAST "E" ON JUNE 23, 1982, AT WHICH TIME THE COURT  
 7 ORDERED PRE-TRIAL PROBATION REPORTS PURSUANT TO 131.3 CODE OF CIVIL  
 8 PROCEDURE AND CONTINUED THE MATTER FOR HEARING TO JULY 22, 1982.  
 9 DEFENDANT WAS REMANDED AND WILL HAVE SPENT A TOTAL OF 62 DAYS IN  
 10 CUSTODY AT THE TIME OF THIS HEARING.

11 BASED ON DISTRICT ATTORNEY'S FILE, PRELIMINARY  
 12 TRANSCRIPT, AND PROBATION OFFICER'S INVESTIGATION, DETAILS OF THE  
 13 OFFENSE APPEAR TO BE BRIEFLY AS FOLLOWS:

14 ON MAY 21, 1982, VICTIM SUSAN BECKER AND HER COUSIN,  
 15 PEGGY SIMON, WHO WERE RETURNING HOME FROM A RESTAURANT AT APPROXIMATELY  
 16 2:00 A.M. HAD JUST ARRIVED IN FRONT OF THEIR HOUSE LOCATED ON  
 17 BIRDIE DRIVE IN LA VERNE WHEN A VAN CUT THEM OFF AND FORCED THEM  
 18 TO STOP. AT THIS TIME, TATUM AND JACKSON GOT OUT OF THEIR VAN  
 19 AND APPROACHED THE VICTIMS' CAR. TATUM, HOLDING A LOADED REVOLVER,  
 20 FORCED HIS WAY INTO THE PASSENGER'S SIDE OF THE CAR. JACKSON  
 21 THREATENED THE VICTIMS WITH THE KNIFE AND ALSO GOT INTO THE VICTIMS'  
 22 CAR. THE VICTIMS SCREAMED, WHICH ALERTED BECKER'S BROTHER AND  
 23 BOYFRIEND. WHEN THEY CAME TO INVESTIGATE, TATUM POINTED THE REVOLVER



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Name Martha Oliva Date 12-3-82

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Name Linn B. Hansen Date 12-3-82

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1 AT THEM AND TOLD THEM TO GET BACK. THEY COMPLIED WITH THIS DEMAND,  
 2 AT WHICH TIME VICTIMS WERE FORCED TO DRIVE AWAY FROM THE LOCATION.  
 3 TATUM ORDERED SUSAN BECKER TO FOLLOW THE VAN IN FRONT OF HER. THEY  
 4 DROVE A SHORT DISTANCE, DURING WHICH TIME TATUM AND JACKSON ROBBED  
 5 THE VICTIMS OF THEIR JEWELRY. THEY THEN HAD THE VICTIMS STOP THEIR  
 6 CAR, AND THEY TRANSFERRED THEM INTO THE VAN.

7 INSIDE THE VAN, TATUM ORDERED THE VICTIMS TO REMOVE  
 8 THEIR CLOTHING. FERNANDEZ ATTEMPTED TO UNBUTTON PEGGY SIMON'S  
 9 PANTS BUT WAS TOLD TO WAIT UNTIL THEY GOT ON THE FREEWAY. IN THE  
 10 MEANTIME, POLICE HAD BEEN CONTACTED AND THE VAN IDENTIFIED. THE  
 11 VAN WAS SPOTTED, AND A CHASE ENSUED. THE CHASE LASTED A SHORT TIME  
 12 AND ENDED WITH THE VAN CRASHING INTO A TREE. THE FIVE DEFENDANTS  
 13 THEN ATTEMPTED TO ESCAPE. TATUM AND GARRINGER WERE ARRESTED  
 14 IMMEDIATELY AT THE SCENE. SEVERAL HOURS LATER, DEFENDANTS WILLIAMS  
 15 AND JACKSON WERE ARRESTED NEAR THE AREA WHERE THE VAN CRASHED.  
 16 LATER THAT SAME DAY, THE FIFTH DEFENDANT, FERNANDEZ, WAS ARRESTED  
 17 AT HOME ON THE BASIS OF A RANNEY WARRANT.

18 THE VICTIMS WERE VISIBLY SHAKEN BUT PHYSICALLY  
 19 UNHURT. THE JEWELRY WAS FOUND IN POSSESSION OF TATUM AND GARRINGER.  
 20 THIS PROPERTY WAS RECOVERED. TATUM TOLD THE POLICE WHERE HE HAD  
 21 THROWN THE GUN, WHICH WAS RECOVERED ALONG WITH THE KNIFE USED BY  
 22 JACKSON.

23 TATUM TALKED FREELY ABOUT THE OFFENSE AND ABOUT HIS

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Name *Martha Davis* Date *12-3-82*

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Name *Donna B. Hansen* Date *12-3-82*

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1 INVOLVEMENT IN IT. HE INDICATED THAT JACKSON AND GARRINGER WERE  
 2 NEIGHBORS OF HIS. HE ADMITTED THAT HE WAS THE ONE WHO HAD USED  
 3 THE GUN AND INDICATED THAT DONALD WILLIAMS WAS THE PERSON DRIVING  
 4 THE VAN. HE THEN ADMITTED TAKING JEWELRY FROM THE VICTIMS AND  
 5 USING A GUN. HE THREATENED THEM. HE DENIED THAT HE ORDERED THE  
 6 VICTIMS TO TAKE OFF THEIR CLOTHES. HE ADMITTED THAT THEY HAD COME  
 7 TO THE AREA THAT NIGHT TO COMMIT A ROBBERY. HE INDICATED THAT  
 8 THEY HAD ALL TALKED ABOUT DOING A ROBBERY, BUT THEY DID NOT PLAN IT.

9 WILLIAMS REFUSED TO TALK TO THE POLICE FOLLOWING  
 10 HIS ARREST.

11 GARRINGER ALSO REFUSED TO TALK TO THE POLICE.

12 JACKSON INDICATED THAT HE WAS OVER VISITING A FRIEND  
 13 THAT EVENING, THAT HE HAD ARRIVED IN THE GLENDORA AREA BY  
 14 HITCHHIKING. HE WAS "KICKING BACK" IN THE BUSHES WHEN HE WAS  
 15 ARRESTED. HE DENIED ANY KNOWLEDGE OF THE OFFENSE. DURING BOOKING,  
 16 JACKSON PROVIDED A FALSE NAME AND INDICATED THAT HE WAS 17 YEARS  
 17 OLD.

18 FERNANDEZ LATER TALKED TO THE POLICE. HE INDICATED  
 19 THAT HE WAS SIMPLY RIDING IN THE VAN WHEN TATUM AND JACKSON SUDDENLY  
 20 JUMPED OUT AND KIDNAPPED THE GIRLS. HE INDICATED THAT TATUM USED  
 21 A GUN AND JACKSON A KNIFE. WHEN THE VICTIMS WERE PLACED IN THE  
 22 VAN, TATUM INDICATED THAT HE WANTED TO "FUCK THEM". TATUM TOLD  
 23 HIM (FERNANDEZ) TO TAKE OFF THEIR CLOTHES. FERNANDEZ ADMITTED

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Name *Ernesto Cruz* Date *12-3-82*

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Name *Ernesto Cruz* Date *12-3-82*

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1 HOLDING ONE OF THE GIRLS AND ALSO ADMITTED THAT HE ATTEMPTED TO  
2 UNDO THE VICTIM'S PANTS BECAUSE HE WAS SCARED OF THE OTHER GUYS  
3 WHO WERE HOLDING THE GUN AND THE KNIFE.

4 INVESTIGATION LATER DETERMINED THAT THE VAN USED  
5 BY THE DEFENDANTS IN THE CRIME HAD BEEN STOLEN FROM THE WHITTIER  
6 AREA A FEW HOURS BEFORE THE KIDNAP AND ROBBERY OF THE VICTIMS.

7 WILLIAM BOZUNG, OWNER OF THE VOLKSWAGON VAN, LATER TOLD POLICE HE  
8 HAD PARKED THE VAN IN HIS DRIVEWAY ON MAY 20, 1982, AT APPROXIMATELY  
9 9:30 P.M. HE DID NOT REALIZE IT HAD BEEN STOLEN UNTIL HE RECEIVED  
10 A CALL FROM THE LA VERNE POLICE DEPARTMENT THE FOLLOWING MORNING.

11 DEFENDANT'S STATEMENT:

12 DEFENDANT INDICATED THAT HE WOULD RATHER WAIT UNTIL  
13 HE GOT A CHANCE TO DISCUSS THE MATTER WITH HIS ATTORNEY BEFORE HE  
14 GAVE A STATEMENT RELATIVE TO THE PRESENT OFFENSE.

15 VICTIM:

16 PROBATION OFFICER HAS BEEN UNABLE TO CONTACT ANY  
17 OF THE THREE VICTIMS. A MESSAGE HAS BEEN LEFT WITH SUSAN BECKER'S  
18 ANSWERING SERVICE TO CONTACT THE PROBATION DEPARTMENT; HOWEVER,  
19 TO DATE, THERE HAS BEEN NO RESPONSE.

20 ACCORDING TO THE PRELIMINARY TRANSCRIPT, THE OWNER  
21 OF THE VAN TESTIFIED THAT HE HAD OBTAINED ESTIMATES OF DAMAGE TO  
22 HIS CAR WHICH AMOUNTED TO APPROXIMATELY \$1200. HE REPORTED THAT  
23 THE STEREO CASSETTE RECORDER HAD BEEN RIPPED OUT OF THE DASHBOARD

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his file.

Name

Name *Martha Clark*Date *1-4-82*

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Name

Name *Donna Hansen*

Date

Date *12-9-82*

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1 AND THAT THERE WERE SEVERAL ITEMS STILL MISSING.

2 INTERESTED PARTIES:

3 DETECTIVE GANO, LA VERNE POLICE DEPARTMENT (596-1913),  
 4 INDICATED THAT WHEN THE VAN CRASHED, VICTIM BECKER SUSTAINED A  
 5 SLIGHT LACERATION TO HER NOSE AND LIP. IT WAS DEFINITELY DETERMINED  
 6 THAT TATUM WAS THE ONE WHO HAD USED THE GUN AND ISSUED THE ORDERS.  
 7 JACKSON WAS THE PERSON WHO HAD USED THE KNIFE. FERNANDEZ, AT THE  
 8 ARREST, SEEMED TO DISPLAY A VERY HOSTILE ATTITUDE AND DURING THE  
 9 COURT PROCEDURE WOULD STARE AT THE VICTIMS. AS FAR AS HE COULD  
 10 DETERMINE, NONE OF THE DEFENDANTS WERE UNDER THE INFLUENCE OF DRUGS  
 11 OR ALCOHOL. VICTIMS HAD NEVER SEEN THE DEFENDANTS BEFORE THEY  
 12 WERE KIDNAPPED AND ROBBED. HE BELIEVES THAT ALL FIVE DEFENDANTS  
 13 SHOULD GO TO STATE PRISON.

14 EVALUATION:

15 IT IS INDEED FORTUNATE THAT WITNESSES WERE ABLE TO  
 16 IDENTIFY THE VAN USED BY THE DEFENDANTS IN THE PRESENT OFFENSE AND  
 17 AS A RESULT, THEY WERE CAPTURED BEFORE ANY FURTHER HARM COULD COME  
 18 TO THE FEMALE VICTIMS. AVAILABLE INFORMATION TENDS TO SUGGEST  
 19 THAT ALL DEFENDANTS WENT TO THE LOCATION WITH THE EXPRESSED PURPOSE  
 20 OF COMMITTING A ROBBERY. IT IS ALSO POSSIBLE THAT FEMALE VICTIMS  
 21 WERE CHOSEN WITH THE ADDITIONAL PURPOSE OF RAPE. PROBATION OFFICER  
 22 WILL CONCEDE THAT THIS PARTICULAR STATEMENT IS MERELY SPECULATION  
 23 BASED ON OTHER STATEMENTS ATTRIBUTED TO TATUM REGARDING THE REMOVAL

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1 OF THE VICTIMS' CLOTHING, AS WELL AS FERNANDEZ'S ATTEMPT TO ACTUALLY  
2 REMOVE ONE OF THE FEMALE VICTIM'S PANTS. OF THE FIVE DEFENDANTS,  
3 THIS DEFENDANT APPEARED TO PLAY THE PRIMARY ROLE IN THE COMMISSION  
4 OF THIS OFFENSE AND IS THE PERSON WHO USED THE LOADED GUN TO  
5 THREATEN THE VICTIMS. HE ALSO APPEARED TO BE THE ONE INDIVIDUAL  
6 WHO WAS GIVING MOST OF THE ORDERS. CERTAINLY, THIS PARTICULAR  
7 INCIDENT MUST HAVE BEEN A TERRIFYING EXPERIENCE FOR THE TWO FEMALE  
8 VICTIMS. DEFENDANT'S BEHAVIOR IN THE PRESENT OFFENSE MARKS HIM AS  
9 A VERY DANGEROUS INDIVIDUAL AND ONE WHO SHOULD BE REMOVED FROM THE  
10 COMMUNITY. IF CONVICTED AS CHARGED, HE WOULD NOT BE LEGALLY ELIGIBLE  
11 FOR PROBATION; AND DUE TO THE AGGRAVATED NATURE OF THE CHARGES  
12 THEMSELVES, IT IS BELIEVED THAT HE WOULD NOT CONSTITUTE A SUITABLE  
13 SUBJECT FOR SUCH CONSIDERATION.

14 SENTENCING CONSIDERATIONS:

15 IF CONVICTED OF THE CHARGES, DEFENDANT WOULD NOT BE  
16 LEGALLY ELIGIBLE FOR PROBATION.

17 CIRCUMSTANCES IN AGGRAVATION:

- 18 1. THE CRIME INVOLVED GREAT VIOLENCE AND THE  
19 THREAT OF GREAT BODILY HARM.  
20 2. DEFENDANT USED A FIREARM DURING THE COMMISSION  
21 OF THE OFFENSE. IN ADDITION, CODEFENDANT USED A DEADLY WEAPON IN  
22 THE COMMISSION OF THE OFFENSE.  
23 3. THE CRIME INVOLVED MULTIPLE VICTIMS.



Martha P. ... 12-

Name ...

Date 12-3-82

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4. THE OFFENSE WAS PREMEDITATED.

5. DEFENDANT HAS ENGAGED IN VIOLENT CONDUCT WHICH INDICATES HE IS A SERIOUS DANGER TO SOCIETY.

CIRCUMSTANCES IN MITIGATION:

NONE.

AS ENHANCEMENTS, IT HAS BEEN ALLEGED THAT DEFENDANT USED A FIREARM PURSUANT TO 12022.5 PENAL CODE AND 1203.06 PENAL CODE. IN ADDITION, A PRINCIPAL IN THE OFFENSE WAS ARMED WITH A FIREARM PURSUANT TO 12022(B) PENAL CODE.

UPON CONVICTION, DEFENDANT SHOULD BE COMMITTED TO STATE PRISON WITH THE HIGH-BASED TERM APPLIED. THIS OFFENSE WOULD NOT APPEAR TO QUALIFY AS A CRIME OF VIOLENCE AS DEFINED WITHIN GOVERNMENT CODE SECTION 13960.

RECOMMENDATION:

IF CONVICTED AS CHARGED, IT IS RECOMMENDED THAT

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1 PROBATION BE DENIED.

2 RESPECTFULLY SUBMITTED,

3 KENNETH E. KIRKPATRICK  
4 CHIEF PROBATION OFFICER

5 BY

6 GREG JOHNSON, DEPUTY  
7 POMONA VALLEY AREA OFFICE  
8 PHONE: 623-6811 EXT. 438

9 READ AND APPROVED

10 KENNETH L. FORNEY, SDPO

11 (DICTATED 7-15-82)  
12 (TYPED 7-15-82)  
13 GJ:KRS: (6)  
14 -13-

I HAVE READ AND CONSIDERED  
THE FOREGOING REPORT OF THE  
PROBATION OFFICER.

JUDGE OF THE SUPERIOR COURT

**EXHIBIT C**

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for

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT EAST E

HON. LOREN MILLER, JR., JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

Plaintiff, )

vs. )

WILLIE EARN TATUM, JR., )

Defendant. )

No. A 528706

STATE PRISON

POMONA, CALIFORNIA, WEDNESDAY, OCTOBER 27, 1982,

8-4 W

Upon the above date, the defendant being present in court and represented by counsel, CHARLES UHALLEY, the People being represented by HARVEY WM. HARPER, Deputy District Attorney of Los Angeles County, the following proceedings were held:

(Morgan von Saxel, Official Reporter,  
CSR No. 1242.)

THE COURT: In the matter of Willie Earn Tatum.

MR. UHALLEY: Mr. Tatum is in custody. We are ready



1 to proceed on that matter.

2 THE COURT: All right, in this matter it is my  
3 understanding that Mr. Tatum has withdrawn his previously  
4 entered plea and entered a plea to two counts of 209(b), that  
5 is kidnapping for the purpose of robbery.

6 Is that correct?

7 MR. UHALLEY: Yes, Your Honor.

8 THE COURT: This is the time and place for sentencing.  
9 Is there any legal cause why sentence should not now be  
10 imposed?

11 MR. UHALLEY: No, Your Honor.

12 THE COURT: Would you like to be heard, Mr. Uhalley?

13 MR. UHALLEY: Yes, Your Honor, just briefly.

14 I hope that the Court would take into consideration  
15 in sentencing Mr. Tatum this morning that throughout these  
16 proceedings, from the time of his arrest, which was immediately  
17 after the incident, that he was cooperative with the police;  
18 that he has admitted his responsibility in the matter; has  
19 stood willing to cooperate with the district attorney in the  
20 resolution of the case as to the matter, and that while there  
21 was a great potential for danger to the victims in this case  
22 there was no or little harm inflicted upon them.

23 I would also like the Court to take into  
24 consideration that Mr. Tatum has a limited criminal -- prior  
25 criminal record. I would hope that the Court would consider  
26 the possibility of giving the sentences of the re-  
27 by law to be concurrent and that the Court would stay the use  
28 allegation.



1 THE COURT: Mr. Harper.

2 MR. HARPER: Thank you, Your Honor.

3 This was a particularly dangerous case and only  
4 because of the cool headedness and quick thinking of the victims'  
5 relatives were they able to get a good description and a  
6 license number of the vehicle and contact the police who  
7 fortunately were close enough by to apprehend Mr. Tatum and  
8 his companions in this kidnapping.

9 These two young women are extremely lucky that  
10 they were not seriously injured or killed, particularly  
11 dangerous offense, Your Honor.

12 Mr. Tatum was given some consideration in his  
13 plea with a dismissal of additional counts. The People would  
14 recommend that the sentence be life without parole and that  
15 the Court, in fact, impose the two years consecutive for the  
16 use of a firearm in the commission of this kidnapping.

17 THE COURT: Well, it is life --

18 MR. UHALLEY: It would be life with parole, Your Honor.

19 THE COURT: -- that is punishment.

20 All right, as to Count I let the record reflect.  
21 I have read and considered the pre-plea report; I have read  
22 and considered the supplemental report.

23 Probation is denied.

24 The defendant is committed to the Department of  
25 Corrections for the term prescribed by law, which is life  
26 imprisonment.

27 With respect to the allegation that the defendant  
28 used a firearm in the commission of said offense the Court is

1 going to impose an additional two years. I will stay that  
2 two years; that stay will become permanent when he has served  
3 his sentence on Count I.

4 With respect to Count II, probation is denied.

5 The defendant is committed to the Department of  
6 Corrections for the term prescribed by law.

7 That is life imprisonment with the possibility of  
8 parole.

9 With respect to the use allegation, in that the  
10 Court is going to impose an additional two years. I will stay  
11 that until he has served his sentence in Count I.

12 Counts I and II may run concurrently.

13 The defendant is entitled to 161 days credit for  
14 the time he has actually been in custody, plus 81 days credit  
15 for good time-work time, for a total of 242 days credit toward  
16 his sentence.

17 He is remanded to the custody of the Sheriff to  
18 be taken forthwith to the Department of Corrections and therein  
19 to serve his sentence.

20 MR. UHALLEY: Thank you, Your Honor.

21 (The proceedings were concluded.)  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT EAST E

HON. LOREN MILLER, JR., JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
Plaintiff, )

vs. )

WILLIE EARN TATUM, JR., )

Defendant. )

No. A 528706

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I, MORGAN von SAXEL, Official Reporter of the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that the foregoing is a true and correct transcript of the proceedings held at the time of pronouncing sentence, that the views and recommendations of the court, if any, are contained therein, pursuant to Section 1203.01 of the Penal Code.

Dated this 5th day of November, 1982.

/s/ MORGAN von SAXEL , CSR NO. 1242  
Official Reporter

LOS ANGELES COUNTY  
RECORDS & CLERK  
FEB 10 1983

**EXHIBIT D**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES****DEPT 100**

Date: APRIL 10, 2007

Honorable: STEVEN R. VAN SICKLEN  
NONEJudge J. PULIDO  
Bailiff NONEDeputy Clerk  
Reporter

(Parties and Counsel checked if present)

BH 004120

In re,

WILLIE E. TATUM, JR.,  
Petitioner,

Counsel for Petitioner:

On Habeas Corpus

Counsel for Respondent:

Nature of Proceedings: ORDER RE: WRIT OF HABEAS CORPUS

The Court has read and considered petitioner's Writ of Habeas Corpus filed on June 29, 2006. Having independently reviewed the record, giving deference to the broad discretion of the Board of Parole Hearings ("Board") in parole matters, the Court concludes that the record contains "some evidence" to support the Board's finding that petitioner is unsuitable for parole (See Cal. Code Reg. Tit. 15, §2402; *In re Rosenkrantz* (2002) 29 Cal.4th 616, 667 (hereafter *Rosenkrantz*).)

Petitioner was received into custody on November 2, 1982 after being convicted of two counts of kidnapping and robbery with the use of a deadly weapon. Petitioner received a term of seven years to life with a minimum eligible parole date of February 28, 1989. The record reflects that on May 21, 1982, the petitioner and four other men kidnapped two female victims at 2:00 a.m. when petitioner, armed with a loaded revolver, forced his way into the victims' car. A co-defendant threatened the victims with a knife. The victims were forced to drive a short distance and were robbed of their jewelry. The victims were then ordered to enter a van where the remaining co-defendants waited. Petitioner demanded that the women take off their clothes and threatened to sexually assault them. The police, who had been contacted by the victims' friend, then identified the van. Petitioner was arrested after a brief chase.

The record reflects that the Board found petitioner unsuitable for parole after a parole consideration hearing held September 15, 2005. Petitioner was denied parole for two years. The Board concluded that petitioner was unsuitable for parole and would pose an unreasonable risk of danger to society and a threat to public safety. The Board based its decision on several factors, including his commitment offense.

The Court finds that there is some evidence to support the Board's finding that multiple victims were attacked in the same incident (Cal. Code Regs., tit. 15, §2402, subd. (c)(1)(A).) The Board also found that the offense was carried out in "a very callous manner" (Reporter's Transcript, 9/15/05, p 58). There is some evidence to support the finding that the offense was carried out in manner that demonstrates an exceptionally callous disregard for human suffering (Cal. Code Regs., tit. 15, §2402, subd. (c)(1)(D).) An "exceptionally callous disregard for human suffering" means the offense in question must have been committed in a more aggravated or violent manner than that ordinarily shown in the commission of that offense. (*In re Scott* (2004) 119 Cal. App.4th 871, at 891). Here, the two female victims were outnumbered by five male attackers. The victims were ordered to take off their clothes and threatened with sexual assault.



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES****DEPT 100**

Date:	APRIL 10, 2007	Judge	J. PULIDO	Deputy Clerk
Honorable:	STEVEN R. VAN SICKLEN	Bailiff	NONE	Reporter
	NONE			

(Parties and Counsel checked if present)

BH 004120

In re,

WILLIE E. TATUM, JR.,

Petitioner,

On Habeas Corpus

Counsel for Petitioner:

Counsel for Respondent:

The record reflects that the Board relied on additional factors in denying parole, and there is some evidence to support that decision. There is some evidence that petitioner is unsuitable for parole due to his "history of unstable or tumultuous relationships with others." (Cal. Code Regs., tit. 15, §2402, subd. (c)(3).) The record reflects that the petitioner "has a history of law enforcement contact related to domestic violence issues" (RT, pp.58-59). In determining suitability, the Board may consider "all relevant, reliable information available" (Cal. Code Regs., tit. 15, §2402, subd. (b).) The record shows that petitioner's behavior at the parole suitability hearing was uncooperative and combative (RT, 44). There is some evidence to support the Board's finding that petitioner could benefit from continuing to participate in self-help to "address his anger issues and his inability to control his temper" (Id, p. 61) based on his conduct at the parole suitability hearing. Although the Board commended petitioner for the positive aspects of his behavior, they found that his positive behavior did not outweigh the factors of unsuitability.

Petition for writ of habeas corpus is denied.

The court order is signed and filed this date. The clerk is directed to give notice.

A true copy of said order is sent via U.S. Mail to the following parties :

Willie E. Tatum, Jr.  
C-55580  
Correctional Training Facility  
P.O. Box 689  
Soledad, CA 93960

Department of Justice  
Office of the Attorney General of the State of California  
Gregory J. Marcot, Deputy Attorney General  
110 West A. Street, Suite 1100  
San Diego, CA 92101



**PROOF OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY**  
(C.C.P. §§ 1013(A), 2015,5)

I, Willie Earn Tatum Jr., declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

Willie E Tatum Jr., CDCR #: C-55580  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #: EAST DORM 90/Low  
SOLEDAD, CA 93960-0689.

On January 29, 2008, I served the attached:

(1) writ of Habeas Corpus, with Exhibits A, B, C, D,

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

United States District Court for the Northern  
District of California, 450 Golden Gate Avenue,  
Box 36060, San Francisco, Ca. 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 29, 2008

Willie E Tatum Jr.

Declarant

Willie E. Jatum Jr. C-33589  
P.O. Box 689 C.T.F. East Dorn 90/kow  
Soledad, Ca. 93960

REC

JAN 3

RICHARD W. W.  
CLERK, U.S. DISTRICT  
NORTHERN DISTRICT OF

*Pro Se*

United States District  
Northern District of  
450 Golden Gate  
San Francisco, CA





RECEIVED

2008

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COURT  
CALIFORNIA

Court for The  
California  
Avenue, Box 36060

. 94102